

AMENDED AGENDA #1
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room WW54
Thursday, January 12, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
WELCOME:	Introduction of New Pages: Clayton Moore and Kamille Mirkin	Chairman Cook
DISCUSSION:	Committee Consideration of Referral of Docket No. 24-0000-2201F to the Senate Health and Welfare Committee	Chairman Cook
RULES REVIEW:	Assignment of the Administrative Rules	Vice Chair Lenney
PRESENTATION:	Idaho Department of Finance	Anthony Pollidori, Deputy Director, Idaho Dept. of Finance
PRESENTATION:	Public Employee Retirement System of Idaho	Don Drum, Executive Director, PERSI

COMMITTEE MEMBERS

Chairman Cook
Vice Chairman Lenney
Sen Lakey
Sen Guthrie
Sen Ricks

Sen Foreman
Sen Hartgen
Sen Ward-Engelking
Sen Ruchti

COMMITTEE SECRETARY

Linda Kambeitz
Room: WW46
Phone: 332-1333
Email: scom@senate.idaho.gov

MINUTES

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, January 12, 2023

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Cook, Vice Chairman Lenney, Senators Lakey, Guthrie, Ricks, Foreman, Hartgen, Ward-Engelking, and Ruchti

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Cook** called the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

WELCOME: **Chairman Cook** welcomed everyone to the first meeting. **Chairman Cook** introduced himself and asked all Committee members and the Committee secretary to introduce themselves.

Chairman Cook introduced Senate Page Kamille Mirkin and asked her to tell the Committee about herself. **Ms. Mirkin** stated she attended Jerome High School where she was active in the Future Farmer's of America (FFA). She noted she was an honors student and was involved in several different organizations, such as Peer Court, 4-H, and student government. She remarked she planned on attending the University of Idaho with a major in agriculture communications and leadership, with the goal of attending law school. She said she was grateful for the opportunity to be a Senate Page.

Chairman Cook introduced Senate Page Clayton Moore and asked him to tell the Committee about himself. **Mr. Moore** remarked he was a senior at Weiser High School. He liked traveling throughout the western states. He stated he was also active in 4-H and FFA. He noted he liked government and was grateful for the opportunity to become a Senate Page.

DISCUSSION: **Committee Consideration of Referral of Docket No. 24-0000-2201F to the Senate Health and Welfare Committee.** **Chairman Cook** indicated this Docket was combined with the Idaho Division of Professional and Occupational Licenses (IDOPL) rules but belonged to the Senate Health and Welfare Committee. He asked for a motion to send this Docket to the Senate Health and Welfare Committee.

MOTION: **Senator Lakey** moved to send **Docket No. 24-0000-2201F** to the Senate Health and Welfare Committee. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

RULES REVIEW: **Assignment of the Administrative Rules.** **Vice Chair Lenney** referred to the upcoming rules and asked all Committee members to stop by his office for rules assignments.

PRESENTATION: **Idaho Department of Finance (IDOF).** **Anthony Polidori**, Deputy Director, IDOF, gave a brief presentation about the IDOF. He outlined the mission, vision, and rules of the IDOF.

Salvador Cruz, Financial Institutions Bureau (FIB) Chief, IDOF, reported his office was responsible for the oversight of banking and credit union services. He outlined the responsibilities of the FIB that included promoting the safety and soundness of state-chartered commercial banks, savings banks, credit unions, bank holding companies, trust companies, and business and industrial development corporations operating in Idaho. He explained the FIB assessed the conditions of these institutions so the public would have confidence in the financial system and the interests of depositors, creditors, and shareholders were protected.

Erin Van Engelen, Consumer Finance Bureau (CFB) Chief, IDOF, stated the CFB oversaw entities that offered non-depository consumer finance products, to ensure compliance with state and federal laws. She noted the CFB emphasized collaborating with industry to develop best practices in compliance and consumer protection while safeguarding the financial health of Idahoans. **Ms. Van Engelen** explained the four program areas of the CFB, including regulated lenders, collection agencies, mortgage companies, and mortgage loan originators.

Mr. Polidori acknowledged the Securities Bureau, IDOF, regulated the offer or sale of investment securities and those individuals and entities that offered or sold investment opportunities to the public. He commented the objective of the IDOF was to promote the integrity and vitality of state and federal financial markets, protecting the investing public from fraudulent investment schemes, and assisting legitimate businesses in efforts to raise capital in Idaho.

Mr. Polidori pointed out the IDOF was responsible for the licensing and oversight of money transmitters, or money services businesses. He noted those businesses received money for transmission and issued payment instruments to purchasers. Independent escrow companies, as well as those providing 1031 exchange accommodation services, were regulated by the IDOF. He stated the IDOF ensured that endowed care cemeteries properly handled the funds and trust placed with them. Lastly, the IDOF provided consumer education to Idaho citizens on topics related to investment fraud awareness, budgeting, and other investment-related topics. **Mr. Polidori** outlined the policy objectives of the IDOF, including utilizing an electronic system for licensing processes. He remarked a state system of supervision remained the best means to protect consumers.

Celia Kinney, Consumer Affairs Office (CAO), IDOF, stated the key component for the IDOF was education and protection of consumers. She noted a complaint was often solved through a voluntary action. She asserted the CAO responded to consumer complaints, undertook investigations based on complaints, and determined the appropriate resolution.

Patty Perkins, Director, IDOF, remarked relations with consumers were vital to the success of the IDOF.

DISCUSSION: **Senator Guthrie** asked for an explanation of oversight as it related to consumer complaints. **Ms. Perkins** remarked there were different parameters for each part of the business, depending on the complaint. She explained the IDOF worked closely with the Attorney General's office in an effort to avoid legal action, but would rather coach and educate.

PRESENTATION: **Public Employee Retirement System of Idaho (PERSI).** **Don Drum**, Executive Director, PERSI, gave a brief overview of the function of PERSI. He referred to the handout entitled PERSI, 2023 (Attachment 1). He reported that by law, all State agencies and all schools were mandated to be in PERSI, including Charter Schools. Other governmental and quasi-Governmental employers could elect and apply to be in PERSI. He noted all Idaho counties were members of PERSI as well as many of Idaho's cities, along with highway districts, fire districts, and libraries. Presently, there are over 840 employers in PERSI. PERSI helps employers who apply on a governmental level, to be competitive recruiting and retaining staff. More than 53,000 retirees receive PERSI benefits with over \$1 billion distributed in 2022. Monthly benefits averaged \$1,807.

Mr. Drum affirmed the Firefighters Retirement Fund (FRF) Plan closed to new members in 1980. Currently, there were 448 individuals who received benefits. Funding was at 194 percent provided by the fire insurance premium tax.

DISCUSSION: **Chairman Cook** inquired if more FRF Plans were created. **Mr. Drum** responded the FRF was closed in 1980 and as of now all participate in PERSI. There were no other types of retirement funds.

Senator Guthrie, Senator Ruchti, and Mr. Drum discussed the idea of creating a formalized plan for left-over FRF funds since there was not a plan created for the remaining funds when the Judges Retirement Fund (JRF) was created.

Senators Guthrie, Ricks, and Mr. Drum discussed researching some possible options for money left over in these funds, the legal obligations, and the options to merge with other funds.

PRESENTATION: **Mr. Drum** outlined the JRF funding and the Sick Leave funding ratios. He quoted Idaho Code § 59-1322(5) and stated if the fund's amortization period exceeded 25 years, the Retirement Board (Board) must take action. The Board can only adjust contribution rates. Benefits adjustments could only be made by the Idaho Legislature.

Mr. Drum pointed out teachers also had benefits but general members did not. Return-to-work began for educators in 2007 and changed the retirement patterns for school district employees by approximately two years. He remarked educators started careers earlier than general members and on average retired two years earlier than the average general member. Teachers live two years longer. Educators receive more benefit payments on average when retired than the average general member. **Mr. Drum** noted some school district employees worked past the Rule of 90 and that increased the normal cost of the group. To determine the impact of the change, actuarially takes five to ten years. Last year PERSI asked to move teachers into a class of their own with a separate rate.

DISCUSSION: **Senator Ricks** queried if teachers retired on average two years earlier, was the cost to the State more or less? **Mr. Drum** stated there was an increase in cost because teachers were drawing two more years out of the retirement system.

Senator Guthrie and Mr. Drum discussed teacher early retirement, the costs involved, and the costs associated with the return-to-work plan. **Mr. Drum** reported retirees were allowed to come back who retired prior the January 1, 2022, because it was not costing PERSI since they were already retired.

PRESENTATION: **Mr. Drum** specified there were now three classes of PERSI active members, namely, Public Safety, General, and School District Employees. Rates for teachers will change in FY 2023 when the new fairness adjustment takes effect. PERSI waited to implement the adjustment to allow employers to budget and prepare. The PERSI Board wanted to make sure the fairness adjustment was in effect before any other budget adjustments were made.

Mr. Drum detailed the volatility of the stock market and the effect on the PERSI fund. He noted in January the PERSI fund was 100 percent funded with zero years of amortization. By June 30, the funded status had dropped to 82.6 percent and the amortization was over 100 years. By law, the PERSI Board must take action and the only action the Board could take was to propose rate adjustments. At the October Board meeting a proposal was made to raise the rates in three increments.

DISCUSSION: **Senator Ruchti** and **Mr. Drum** discussed the requirement by law relating to amortization and unfunded liabilities and the anticipated rate of return on how long of a period it would take to pay off the unfunded liabilities. **Mr. Drum** stated there was some cushion built in allowing PERSI to adjust the last two proposed rates.

PRESENTATION: **Mr. Drum** acknowledged Idaho Code allowed the Board to evaluate options regarding a discretionary Cost-of-Living Adjustment (COLA) if the Consumer Price Index for All Consumers (CPI)-U was greater than 1 percent and the amortization period for the unfunded liabilities was under 5 years. The discretionary COLA could not be greater than a total of 6 percent (5 percent discretionary and 1 percent mandatory) in any given year. He noted that historically, if the Board proposed rate increases, a discretionary COLA was not offered. The Board received weekly reports showing the estimated amortization and funded status. Based on that information, the Board knew discretionary COLA's would be challenging to fund. They chose to follow past historical practices.

DISCUSSION: **Senator Ricks** and **Mr. Drum** discussed the idea that a 1 percent COLA was mandated by law. Retirees will receive a 1 percent COLA but no discretionary COLA.

A discussion ensued between **Senator Guthrie** and **Mr. Drum** regarding the 100-year amortization and the adjustments in rates that had to be made to cover the costs of the program.

ADJOURNED: There being no further business at this time, **Chairman Cook** adjourned the meeting at 2:51 p.m.

Senator Cook
Chair

Linda Kambeitz
Secretary



PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

2023 SENATE COMMERCE & HUMAN RESOURCES

January 12, 2023

WELCOME

I will be discussing the following topics:

- ✓ Idaho Statute 59-1302(15) – Definitions
- ✓ Who participates
- ✓ Retiree benefit numbers
- ✓ Funds within PERSI
- ✓ Idaho Statute 59-1322(5) – Contribution rate adjustments
- ✓ New member class and PERSI Classes
- ✓ FY2022 funded status and Board decisions
- ✓ Idaho Statute 59-1355 and cost-of-living adjustments



IDAHO STATUTE 59-1302(15) – DEFINITIONS

WHO IS A PERSI EMPLOYER

Under Idaho Statute 59-1302(15) a PERSI employer:

"Employer" means the state of Idaho, or any political subdivision or governmental entity, provided such subdivision or entity has elected to come into the system.

Governmental entity means any organization composed of units of government of Idaho or organizations funded only by government or employee contributions or organizations that discharge governmental responsibilities or proprietary responsibilities that would otherwise be performed by government.

All governmental entities are deemed to be political subdivisions for the purpose of this chapter. Provided however, that on and after the effective date of this act, all new employers added to the public employee retirement system must be in compliance with internal revenue regulations governing governmental retirement plans.



WHO PARTICIPATES

As of June 30, 2022, there were 840 contributing employers and a total of 177,802 members. Additional information about membership:

PERSI EMPLOYERS

Cities and Counties: 204
Community Colleges and Public Schools: 188
State Offices and Departments: 101
Water and Irrigation Districts: 78
Fire Districts: 76
Highway Districts: 61
Library Districts: 30
Cemetery: 21
Sewer: 12
Other: 69
Total Employers: 840

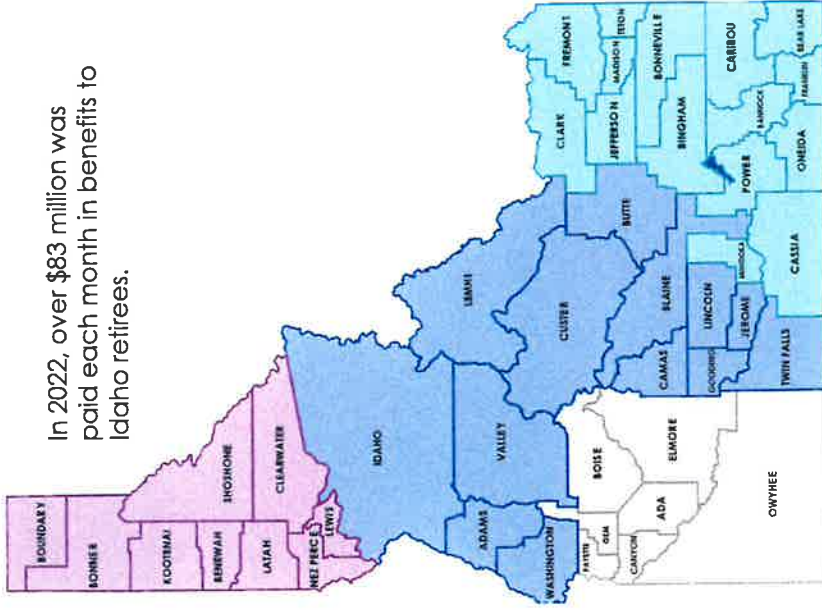
PERSI MEMBERSHIP

Contributing Active Members: 74,409
Receiving Benefits: 53,190
Vested Terminated Members: 15,489
Non-Vested Terminated Members: 34,714
Total Members: 177,802

Average Active Member
Age: 45.5
Annual Salary: \$52,283
Years of Service: 9.5

RETIREE BENEFIT NUMBERS

In 2022, over \$83 million was paid each month in benefits to Idaho retirees.



NUMBERS BY COUNTY

COUNTIES	2022 in millions	NUMBER OF RETIREES	AVERAGE MONTHLY BENEFIT	COUNTIES	2022 in millions	NUMBER OF RETIREES	AVERAGE MONTHLY BENEFIT
Boundary	5.09	333	\$1,273.77	Payette	10.74	546	\$1,639.19
Bonner	19.09	1,058	\$1,501.26	Gem	11.87	640	\$1,545.57
Kootenai	71.94	3,440	\$1,742.73	Boise	5.65	273	\$1,724.66
Benewah	5.42	310	\$1,456.99	Canyon	96.23	4,702	\$1,705.48
Shoshone	8.90	524	\$1,415.39	Ada	308.16	12,354	\$2,078.68
Latah	35.80	1,516	\$1,967.90	Elmore	13.47	705	\$1,592.20
Clearwater	8.75	470	\$1,551.42	Owyhee	4.29	288	\$1,241.32
Nez Perce	32.20	1,432	\$1,873.84	Minidoka	10.80	618	\$1,456.31
Lewis	3.99	218	\$1,525.23	Cassia	13.42	709	\$1,577.34
Idaho	8.95	541	\$1,378.62	Oneida	2.73	152	\$1,496.71
Adams	3.86	205	\$1,569.11	Power	4.86	254	\$1,594.49
Washington	8.22	452	\$1,515.49	Franklin	5.05	317	\$1,327.55
Valley	12.60	527	\$1,992.41	Bear Lake	4.20	267	\$1,310.86
Lemhi	5.78	345	\$1,396.14	Bannock	70.91	2,914	\$2,027.85
Custer	2.98	171	\$1,452.24	Caribou	4.17	250	\$1,390.00
Butte	1.42	105	\$1,126.98	Bingham	26.74	1,335	\$1,644.53
Camas	1.11	55	\$1,681.82	Bonneville	59.78	2,572	\$1,936.88
Blaine	12.10	468	\$2,154.56	Teton	2.80	151	\$1,545.25
Gooding	9.32	521	\$1,490.72	Madison	12.08	606	\$1,661.17
Lincoln	2.89	157	\$1,533.97	Jefferson	13.55	710	\$1,590.38
Jerome	8.96	477	\$1,565.34	Fremont	9.45	509	\$1,547.15
Twin Falls	43.97	2,070	\$1,770.13	Clark	0.74	43	\$1,434.11

BENEFITS PAID TO RETIREES IN IDAHO



- Over \$1 billion in benefits was paid to PERSI retirees living in Idaho.
- Average month benefit is \$1,807.00.
- In fiscal year 2022, there were 46,330 retirees living in Idaho.
- Idaho Legislature is the Plan Sponsor. PERSI is the Plan Administrator.
- Legislature makes benefit changes.
- Retirement Board makes funding and contribution rate decisions.



FUNDS WITHIN PERSI

In addition to the Base Plan, PERSI manages and separately accounts for the Choice 401(k) Plan, the Firefighters' Retirement Fund (FRF), the Judges' Retirement Fund (JRF), and the Sick Leave Insurance Reserve Fund.

The Sick Leave Insurance Retirement Fund is classified as a trust fund and is made up of two trust funds administered by PERSI – a trust for payment of school district employee benefits and a trust for payment of state employee benefits. The assets of the two trusts are commingled for investment purposes.

The fund exists for the payment of unused sick leave benefits in the form of insurance premiums for state and school district employees who separate from service by reason of retirement.

The monetary value of one-half of the unused sick leave is transferred from the sick leave account to the member's retirement account (the entitlement balance). The monetary value of the unused sick leave is based upon the rate of pay of the employee at the time of retirement.

IDAHO STATUTE 59-1322(5) – CONTRIBUTION RATE ADJUSTMENTS

EMPLOYER CONTRIBUTIONS — AMOUNTS — RATES — AMORTIZATION. (1) Each employer shall contribute to the cost of the system. The amount of the employer contributions shall consist of the sum of a percentage of the salaries of members to be known as the "normal cost" and a percentage of such salaries to be known as the "amortization payment." The rates of such contributions shall be determined by the board on the basis of assets and liabilities as shown by actuarial valuation, and such rates shall become effective no later than January 1 of the second year following the year of the most recent actuarial valuation, and shall remain effective until next determined by the board.

- If a valuation shows an amortization above twenty-five (25) Years, the Board must propose a contribution rate increase for all classes to reduce the amortization period.
- Grace periods may delay the rate up to one (1) year.
- No more than two (2) grace periods may be used in any four (4)-year period.

NEW MEMBER CLASS – SCHOOL DISTRICT EMPLOYER & EMPLOYEE

During fiscal year 2022, a new class was added to the PERSI system – school district employer and employees (SDE). Who is considered a school district employee? Any employee of any school district or charter school employed as instructional staff, pupil service staff, professionally endorsed staff, staff holding a certificate as determined under I.C. 33-1201, school bus drivers, and school resource officers, subject to the provisions of I.C. 59-1302(14).

The Board is aware of the changes occurring with the fund due to benefit enhancements of school district and public safety employees hence the new class. They are not opposed to benefit enhancements but are opposed to other members subsidizing other members benefits. The Board also notices that there is similar drifting occurring within the public safety class. They are watching closely.

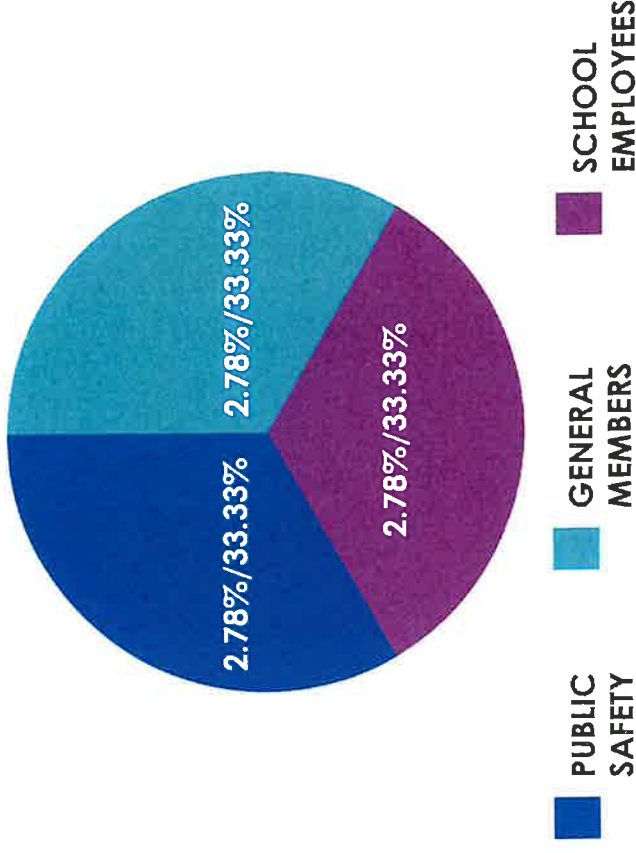
PERSI CLASSES EMPLOYER AND EMPLOYEE

There are three (3) classes within PERSI.

- Public Safety (Rule of 80)
- General Member (Rule of 90)
- School District Employee (new)

The Board chose to adjust contribution rates for public safety and general members, and a new contribution rate for the new school employee class.

The new rates ensure fairness for all members and be considerate of budget cycles. *Effective July 1, 2023.*



- **Unfunded Actuarial Accrued Liability (UAAL)** refers to the amount of money the fund needs to achieve full funding, or 100% retiree coverage. The contribution rate (employer + employee) is subtracted from the normal cost rate of each class resulting in the percentage paid on the UAAL for that class.

FY2022 CURRENT CONTRIBUTION RATES UNTIL JUNE 30, 2023

PUBLIC SAFETY		GENERAL & SCHOOL DISTRICT EMPLOYEE	
YEAR	EMPLOYER	EMPLOYEE	EMPLOYEE
2019-present	12.28%	9.13%*	11.94% 7.16%

FY2022 FUNDED STATUS

During FY2022, the markets experienced tremendous volatility. This made many of us feel like the markets were on a roller coaster. The ups and downs were uncomfortable. However, how people react can often be more problematic. They see the ups and downs as a call for action. PERSI on the other hand has been there before. We know patience pays off and we are already beginning to see small improvements in the markets.

Since the fund ended fiscal year 2022 with an amortization period over twenty-five years and 82.6% funded, the Board was required to propose future contribution rate increases to reduce the amortization period to under twenty-five years. The increases will be phased in over a three-year period beginning FY2025 (July 1, 2024). The Board will review each year if the increases are still necessary.

In past years, the fund has been able to bounce back. In some cases, proposed contribution rates have either been postponed and/or canceled. Due to current market conditions and global events, it is nearly impossible to predict or estimate what the funded status will look like a year from now.

FUNDED STATUS AS OF JULY 1, 2022

- Fund value: \$19,915,745,533
- Funded status: 82.6%
- Amortization period: Over 100 years

BOARD DECISIONS – FY2024 CONTRIBUTION RATES & PROPOSED

FAIRNESS ADJUSTMENT The Board chose to adjust contribution rates for public safety and general members, and a new contribution rate for the new school employee class. The new rates ensure fairness for all members and be considerate of budget cycles. *Effective July 1, 2023.*

FY2024 CONTRIBUTION RATES (FAIRNESS ADJUSTMENT) AS OF JULY 1, 2023

		PUBLIC SAFETY		GENERAL MEMBER		SCHOOL EMPLOYEE	
YEAR	EMPLOYER	EMPLOYEE	EMPLOYER	EMPLOYEE	EMPLOYER	EMPLOYEE	EMPLOYEE
2023	13.26%	9.83%	11.18%	6.71%	12.69%	7.62%	

FUTURE CONTRIBUTION RATES* – Proposed future contribution rate increases to be phased in over a three (3) year period beginning FY2025 (July 1, 2024). The Board will review each year if the increases are still necessary.

PROPOSED FUTURE FY2025 CONTRIBUTION RATES BEGINNING JULY 1, 2024

		PUBLIC SAFETY		GENERAL MEMBER		SCHOOL EMPLOYEE	
YEAR	EMPLOYER	EMPLOYEE	EMPLOYER	EMPLOYEE	EMPLOYER	EMPLOYEE	EMPLOYEE
FY2025	13.98%	10.36%	11.96%	7.18%	13.48%	8.08%	

BOARD DECISIONS – PROPOSED FOR FY2026 & FY2027

PROPOSED FUTURE FY2026 CONTRIBUTION RATES BEGINNING JULY 1, 2025

PUBLIC SAFETY		GENERAL MEMBER		SCHOOL EMPLOYEE		
YEAR	EMPLOYER	EMPLOYEE	EMPLOYER	EMPLOYEE	EMPLOYEE	
FY2026	15.44%	11.40%	13.53%	8.11%	15.04%	9.02%

PROPOSED FUTURE FY2027 CONTRIBUTION RATES BEGINNING JULY 1, 2026

PUBLIC SAFETY		GENERAL MEMBER		SCHOOL EMPLOYEE		
YEAR	EMPLOYER	EMPLOYEE	EMPLOYER	EMPLOYEE	EMPLOYEE	
FY2027	17.62%	12.97%	15.87%	9.52%	17.38%	10.43%

REMINDER: Per Idaho Statute 59-1322(5)

- If a valuation shows an amortization above twenty-five (25) Years, the Board must propose a contribution rate increase for all classes to reduce the amortization period.
- Grace periods may delay the rate up to one (1) year.
- No more than two (2) grace periods may be used in any four (4)-year period.

COST-OF-LIVING ADJUSTMENTS – IDAHO STATUTE 59-1355

MANDATORY AND DISCRETIONARY

Cost-of-living adjustments are tied to the Consumer Price Index (CPI-U) for 12 months ending in August of a current year. By being tied to the CPI-U, COLA attempts to keep retirement payments equal with inflation and PERSI retirees purchasing power.

Idaho Statute 59-1355 provides a mandatory COLA ranging from -6% to 1% depending on the change in the CPI-U over the calculation period. This amount is not subject to legislative review.

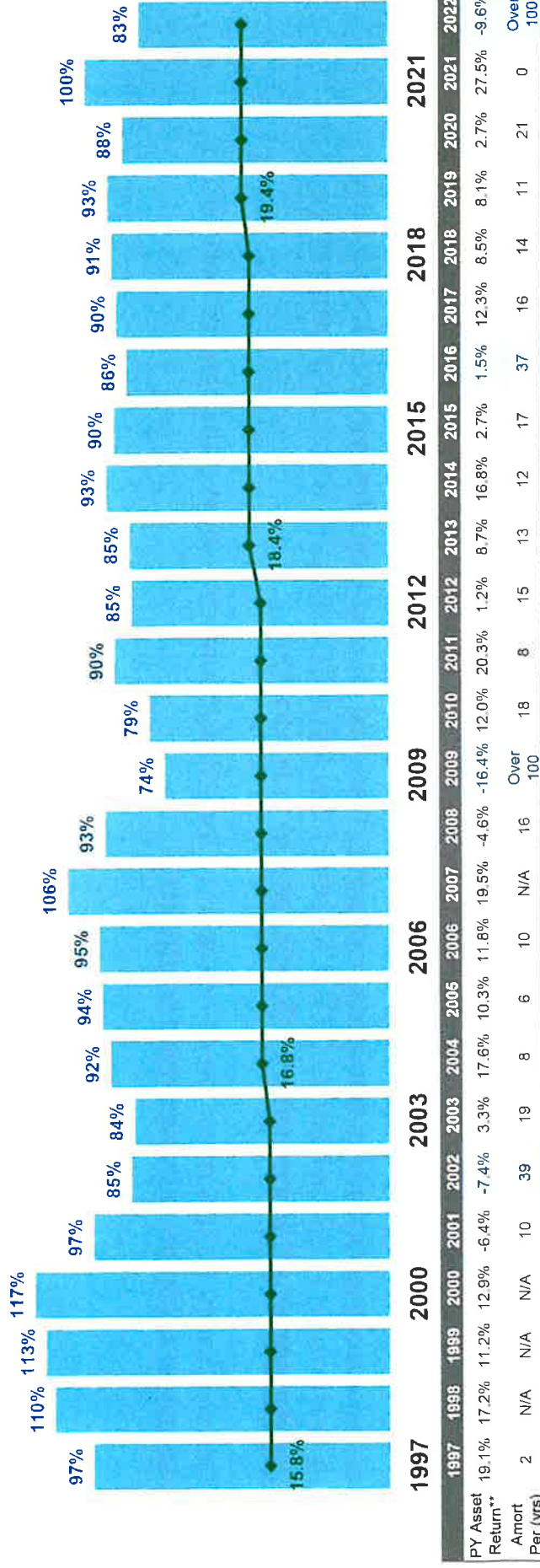
If the CPI-U is greater than 1% and the PERSI Board finds that the fund's actuarial assets equal or exceed the actuarial liabilities, including the cost of any adjustment, the Board may recommend a discretionary COLA to bring the total COLA up to the CPI-U amount or to a **maximum** of 6% (mandatory 1% included in calculation).

Discretionary COLA must be reviewed by the Legislature and can either be amended or rejected through a concurrent resolution.

COST-OF-LIVING ADJUSTMENTS

HISTORICAL FUNDED RATIOS – OVER THE YEARS

Funded Ratio Contribution Rate*



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* Shows total aggregate contribution rate; i.e. the weighted average of the General, Teacher, and Safety employer plus member rates.

** Asset return for fiscal year ended in the year shown; net of investment expenses, but not net of administrative expenses.



Questions & Answers

THANK YOU FOR YOUR TIME!

AGENDA
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room WW54
Tuesday, January 17, 2023

For members of the public to observe the meeting, please click on the following link:
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SUBJECT	DESCRIPTION	PRESENTER
GUBERNATORIAL REAPPOINTMENT:	Committee Consideration of the Gubernatorial Reappointment of Patti Perkins of Boise, Idaho, Director, Department of Finance, term commencing January 2, 2023, and serving at the pleasure of the Governor	Patti Perkins
GUBERNATORIAL REAPPOINTMENT:	Committee Consideration of the Gubernatorial Reappointment of Rodney Higgins of Boise, Idaho, to the Idaho State Insurance Fund Board, term commencing April 3, 2022 and expiring April 3, 2026	Rodney Higgins
GUBERNATORIAL APPOINTMENT:	Committee Consideration of the Gubernatorial Appointment of Terry Gestrin of Donnelly, Idaho, to the Idaho State Insurance Fund Board, term commencing September 20, 2022 and expiring April 30, 2026	Terry Gestrin
GUBERNATORIAL REAPPOINTMENT:	Committee Consideration of the Gubernatorial Reappointment of Jani Revier of Meridian, Idaho, Director, Department of Labor, to serve a term commencing January 2, 2023 and serving at the pleasure of the Governor	Jani Revier

COMMITTEE MEMBERS

Chairman Cook
Vice Chairman Lenney
Sen Lakey
Sen Guthrie
Sen Ricks

Sen Foreman
Sen Hartgen
Sen Ward-Engelking
Sen Ruchti

COMMITTEE SECRETARY

Linda Kambeitz
Room: WW46
Phone: 332-1333
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MINUTES
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Tuesday, January 17, 2023

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Cook, Vice Chairman Lenney, Senators Lakey, Guthrie, Ricks, Foreman, Hartgen, Ward-Engelking, and Ruchti

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Cook** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

Chairman Cook announced the Gubernatorial Reappointment of Patti Perkins would be moved to the second item on the agenda.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Rodney Higgins of Boise, Idaho, to the Idaho State Insurance Fund Board (Board), term commencing April 3, 2022 and expiring April 3, 2026. Mr. Higgins** gave a brief overview of his background. He stated a strong state fund for businesses in Idaho was needed. Computer systems have been updated, but were still not competitive with business. He noted his biggest concern was cyber crime.

DISCUSSION: **Chairman Cook** asked Mr. Higgins what was being done about cyber security. **Mr. Higgins** reported employees were hired to work on this problem. He cautioned all needed to be careful.

Senator Lakey disclosed he had served with Mr. Higgins on the Board and queried why Mr. Higgins wanted to remain on the Board. In response, **Mr. Higgins** stated there was much work to do moving forward.

Senator Ricks and **Mr. Higgins** discussed the direction the State Insurance Fund (Fund) was headed regarding premium reduction for employers, the legislation that dropped premium rates, and rates that were set by the Worker's Compensation Bureau. **Senator Ricks** remarked Idaho had a higher rate than surrounding neighbors. **Mr. Higgins** explained the rates were regulated by State law but rates could be increased or lowered, minus the current published rate up to 25 percent. **Mr. Higgins** acknowledged every state had a rating from the National Association of Insurance Commissioners (NAIC). Some states took care of the worker's compensation rates without charging the employer.

Chairman Cook and **Mr. Higgins** discussed wanting to do the same thing as industry relating to computers. **Mr. Higgins** noted the Board was financially stable.

Chairman Cook announced the votes for the gubernatorial appointments would take place at the next meeting.

**GUBERNATORIAL
REAPPOINTMENT:**

Committee Consideration of the Gubernatorial Reappointment of Patti Perkins of Boise, Idaho, Director, Department of Finance (IDOF), term commencing January 2, 2003, and serving at the pleasure of the Governor. **Ms. Perkins** gave a brief overview of her background. She noted she enjoyed her job.

DISCUSSION:

Senator Lakey and **Ms. Perkins** discussed the challenges in the financial field, which included all things cyber as it related to the financial service market. **Ms. Perkins** said the challenge was to seize the opportunity for the IDOF to grow with the population and provide financial services. She stated the IDOF had worked hard to develop more specific strategic plans for operating in the future. **Senator Lakey** asked **Ms. Perkins** what was her approach for oversight of the IDOF. She noted the approach was to focus and prioritize customer service and to consult with one another. She said the term was used consistently in terms of regulation with emphasis on a partnership with business. **Ms. Perkins** indicated the IDOF wanted to be the type of government entity that helped businesses be successful as opposed to being too harsh.

Vice Chair Lenney queried what was meant by working on the culture at the IDOF. **Ms. Perkins** remarked the IDOF realized how the workforce expectation had changed and the IDOF wanted to be flexible in order to understand how younger employees functioned. A set of values was established to create an open and trusting environment. **Vice Chair Lenney** and **Ms. Perkins** discussed the idea that values, such as accountability, empowerment, and mutual respect were new to the IDOF.

Chairman Cook asked what was the most frustrating thing by leaving the private sector compared to going to the public sector at the State. **Ms. Perkins** answered it was more difficult to get things accomplished and she had learned to have patience.

Senator Ruchti and **Ms. Perkins** discussed organizational theory and how those theories were easily implemented. She noted there were different constraints but the practices that worked in a business environment were basically the same.

**GUBERNATORIAL
APPOINTMENT:**

Committee Consideration of the Gubernatorial Appointment of Terry Gestrin of Donnelly, Idaho, to the Idaho State Insurance Fund Board (Board), term commencing September 20, 2022 and expiring April 30, 2026. **Mr. Gestrin** gave a brief overview of his background. He explained he had served on the Board for the last ten years while being a Representative. Prior to coming to the House, he was a business owner and that business was still in operation. He looked forward to continuing his service to the State, to businesses, and the people of Idaho.

DISCUSSION:

Senator Ricks asked about the possibility of a reduction in premiums for employers. **Mr. Gestrin** stated expenses and premiums were constantly examined. He noted the Fund was regulated by the Idaho Department of Insurance. An "in house" actuary conducted audits to determine actual rates. Annual audits were also conducted on a yearly basis. The Fund had to be stable in order to pay claims. Currently, the Board was trying to move technology in the right direction to make it more user-friendly.

**GUBERNATORIAL
REAPPOINTMENT:**

Committee Consideration of the Gubernatorial Reappointment of Jani Revier of Meridian, Idaho, Director, Department of Labor (IDOL), to serve a term commencing January 2, 2023 and serving at the pleasure of the Governor. **Ms. Revier** gave a brief overview of her background. She stated she was a native fifth generation Idahoan. She grew up in a family that recognized the importance of public service and she had devoted her career to serving in the State and federal government. Because she worked in Washington, D.C. for ten years for members of the Idaho Congressional delegation, that experience taught her how to formulate and advance public policy in an atmosphere where it was sometimes difficult to find consensus. She said one of the biggest challenges she faced as Director was the spike in unemployment caused by the pandemic.

Ms. Revier remarked the IDOL administered the unemployment insurance program that provided benefits to workers who lost their jobs through no fault of their own and who met eligibility requirements. She reported prior to the pandemic, Idaho had historic low unemployment with fewer than 10,000 people receiving unemployment benefits. Within one month over 70,000 people applied for benefits and that number continued to grow. The IDOL was unprepared for the increase in claims. Grappling with the significant increase in claims volume, Congress created three new programs to assist out-of-work individuals for the IDOL to administer. In response to the crisis, IDOL resources were redirected and over 100 staff were hired to help answer phones and process claims. Policies and procedures were reviewed and streamlined to help speed up the review process. Through the pandemic, Idaho paid over \$1 billion in benefits to out-of-work Idahoans. Only about one quarter of that was regular unemployment benefits from the Trust Fund, while the remainder was federal funding from the pandemic unemployment programs.

Ms. Revier indicated as the IDOL worked through the backlog of claims, there was a new challenge of fraudulent claims being filed on victims of identity theft and often by organized crime. At the peak, there were 70 to 90 percent of claims filed each week being flagged as potentially fraudulent. This changed the application process, requiring proof of identity before any unemployment insurance claim could be processed. The IDOL invested over \$10 million in system upgrades to ensure the unemployment insurance system continued to meet the IDOL and customer needs. The focus on rural Idahoans, claimants with disabilities, older workers, and claimants with language barriers, was identified by the IDOL to enhance access to the unemployment program.

There was an outside review by an outside contractor. The IDOL applied for a \$1.7 million grant from the U.S. Department of Labor to implement the recommendations of the contractor. These recommendations further enhanced the accessibility of the system and streamlined operations.

Ms. Revier stated to adjust to the declining funding and continue to have a presence in rural Idaho, many of the IDOL local offices were transitioned into mobile offices. Services were standardized throughout all offices. Assistance in writing resumes, training workshops, and information on job opportunities were the focus with assistance for out-of-work veterans, connecting youth to the workforce, and linking workers to necessary training. Many more programs provided by the IDOL help the unemployed. **Ms. Revier** referred to a publication, "Year in Review 2022," published by the IDOL, relating to the programs in the IDOL.

Ms. Revier explained she looked forward to the challenges and opportunities

ahead and she intended to keep working to make Idaho an even better place to live and work.

DISCUSSION:

In response to a question from **Senator Ricks** relating to an overview of unemployment funds, **Ms. Revier** reported the Trust Fund was in good condition with \$1,000,000,000. Last year unemployment insurance rates were frozen at the 2001 level for 2022 - 2023 rates with the formula in statute over the next 20 years, which would flatten rates.

Senator Lakey noted there was a real spike in the amount of people hired during COVID-19. **Ms. Revier** indicated there was a spike in staff that was entirely funded by federal funds. The IDOL also had dedicated funds to use. Those funds may be tapped within the next year. The demand for services had shifted for those applying for unemployment insurance. The IDOL was in the process of recovering funds from those who were not eligible. The IDOL was able to shift some staff and those who left were not replaced. She reported those who applied for unemployment insurance were those who had been laid off or there was a seasonal nature to their job. Some industries used unemployment insurance for seasonality and paid more for the insurance. The statute stipulated the maximum amount of time laid off employees can collect. There was no spike in unemployment.

Chairman Cook reminded all Committee members to bring their Red Line rules books for the meeting of Thursday, January 19, 2023. **Vice Chair Lenney** noted there were only four total rewrites of the rules. **Chairman Cook** outlined how the meeting for the rules would work and asked all Committee members to become familiar with the rules assigned to them.

ADJOURNED:

There being no further business at this time, **Chairman Cook** adjourned the meeting at 2:18 p.m.

Senator Cook
Chair

Linda Kambeitz
Secretary

AGENDA
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room WW54
Thursday, January 19, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
MINUTES APPROVAL:	Minutes of January 12, 2023	Senator Lakey Senator Lenney
GUBERNATORIAL APPOINTMENT VOTE:	Committee Vote on the Gubernatorial Reappointment of Patti Perkins, Director, Department of Finance	Chairman Cook
GUBERNATORIAL APPOINTMENT VOTE:	Committee Vote on the Gubernatorial Reappointment of Rodney Higgins to the Idaho State Insurance Fund Board	Chairman Cook
GUBERNATORIAL APPOINTMENT VOTE:	Committee Vote on the Gubernatorial Appointment of Terry Gestrin to the Idaho State Insurance Fund Board	Chairman Cook
GUBERNATORIAL APPOINTMENT VOTE:	Committee Vote on the Gubernatorial Reappointment of Jani Revier, Director, Department of Labor	Chairman Cook
GUBERNATORIAL REAPPOINTMENT:	Committee Consideration of the Gubernatorial Reappointment of Lori Wolff, of Meridian, Idaho, Administrator, Idaho Division of Human Resources, to serve a term commencing January 2, 2023 and serving at the pleasure of the Governor	Lori Wolff
<u>24-0000-2202F</u>	Division of Occupational and Professional Licensing — Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, p. 11	Tim Frost, Deputy Administrator, Division of Occupational and Professional Licenses
<u>24-3910-2201</u>	Rules of the Idaho Electrical Board (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule, p. 376	Tim Frost

Public Testimony Will Be Taken by Registering Through the Following Link:
[Register to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Cook
Vice Chairman Lenney
Sen Lakey
Sen Guthrie
Sen Ricks

Sen Foreman
Sen Hartgen
Sen Ward-Engelking
Sen Ruchti

COMMITTEE SECRETARY

Linda Kambeitz
Room: WW46
Phone: 332-1333
Email: scom@senate.idaho.gov

MINUTES
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, January 19, 2023

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Cook, Vice Chairman Lenney, Senators Lakey, Guthrie, Ricks, Foreman, Hartgen, Ward-Engelking, and Ruchti

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Cook** called the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

MINUTES APPROVAL: **Senator Lakey** moved to approve the Minutes of January 12, 2023. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee Vote on the Gubernatorial Reappointment of Patti Perkins, Director, Idaho Department of Finance (IDOF).**

MOTION: **Senator Ward-Engelking** moved to send the gubernatorial reappointment of Patti Perkins, Director, IDOF, to the floor with the recommendation she be confirmed. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Lakey** disclosed he served on the Idaho State Insurance Fund with Mr. Higgins and Mr. Gestrin.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee Vote on the Gubernatorial Reappointment of Rodney Higgins to the Idaho State Insurance Fund (ISIF).**

MOTION: **Senator Lakey** moved to send the gubernatorial reappointment of Rodney Higgins, ISIF, to the floor with the recommendation he be confirmed. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Committee Vote on the Gubernatorial Appointment of Terry Gestrin to the Idaho State Insurance Fund.**

MOTION: **Senator Ricks** moved to send the gubernatorial appointment of Terry Gestrin, ISIF, to the floor with the recommendation he be confirmed. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee Vote on the Gubernatorial Reappointment of Jani Revier, Director, Idaho Department of Labor (IDOL).**

MOTION: **Senator Ruchti** moved to send the gubernatorial reappointment of Jani Revier, Director, IDOL to the floor with the recommendation she be confirmed. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL
REAPPOINTMENT:**

Committee Consideration of the Gubernatorial Reappointment of Lori Wolff, of Meridian, Idaho, Administrator, Idaho Division of Human Resources (IDHR), to serve a term commencing January 2, 2023 and serving at the pleasure of the Governor. Ms. Wolff gave a brief overview of her background. She noted she learned and developed a passion for work done in State government because that touched hundreds of thousands of people. She gained a huge understanding of the dedication of employees. Ms. Wolff stated her background prepared her for this job. She noted challenges existed in recruiting and retaining staff as a result of the pandemic. She remarked she performed her job because she loved Idaho and wanted to make a difference. She quoted part of a poem that "people who were crazy enough and who thought they could change world, did."

DISCUSSION:

In response to a question from **Senator Lakey** about changing the world and what had changed since Ms. Wolff took over the position at the IDHR, she remarked the staff discussed what was not being done well at the IDHR. There were significant changes in State Code outlining IDHR responsibilities. Because of this, the IDHR was reorganized and several employees were hired in key positions, such as in the areas of workers' compensation, American Disabilities Act (ADA), equal opportunity, and recruitment management. The IDHR tried to target the younger workforce and streamlined recruitment time. The IDHR looked at areas that did not require a degree in order to apply for a State job, with the goal of looking at putting people on career paths. There was much still to be done.

Senator Ruchti asked what was the biggest challenge during the pandemic and what had Ms. Wolff implemented at the IDHR. Ms. Wolff reported the biggest challenge was managing remote work. She noted at the same time there was a lot of money available for new programs. It was, however, difficult to hire people. There was a record set for resignations since some employees sought early retirement. Keeping pace with wages was difficult with fewer people available to do the work. The IDHR followed some of the public policies as they pertained to COVID-19. Employees had more flexible work schedules. She noted the IDHR was trying to work more efficiently, using technology to work more collectively across State government.

Chairman Cook and Ms. Wolff discussed proposed changes to the IDHR, including being more aggressive in increasing employee wages and implementing new IDHR services in order to operate more as a State agency, sharing services across-the-board.

Chairman Cook noted the vote for this gubernatorial reappointment would be at the next meeting.

**PASSED THE
GAVEL:**

Chairman Cook passed the gavel to Vice Chair Lenney.

**DOCKET NO.
24-0000-2202F**

Division of Idaho Occupational and Professional Licensing (IDOPL) - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, p. II. Tim Frost, Deputy Administrator, IDOPL, gave an in-depth overview of the changes and referred to the red-line versions of the Dockets (Attachments 1 - 5). Some of the rules were a total rewrite and he noted the remainder of the IDOPL rule chapters within the legislative book had either no changes or de minimis changes and would be presented together. There was one remaining rule relating to the Electrical Board that would be presented separately. He went over the rules for pending and fee rules. He named all of the Boards, including Driving Licensure, Accountancy, Plumbing, and Heating, Ventilation, and Air Conditioning (HVAC).

DISCUSSION: **Chairman Cook** and **Mr. Frost** discussed reciprocity, noting there was no controversy or concern regarding the requirements.

Senator Lakey and **Mr. Frost** discussed there was nothing in rule related to cheating, but **Mr. Frost** would follow up. **Senator Lakey** noted the Peer Review Oversight Committee (PROC) was eliminated and queried why the IDOPL Board thought the PROC was not needed. **Mr. Frost** pointed out the review was done during accreditation on the national or regional level so this was redundant.

Mr. Frost continued to note the changes in the docket.

DISCUSSION: **Senator Ricks** asked for clarification relating to apprentice hours changing from 6,000 hours to 8,000 hours. **Mr. Frost** stated 8,000 hours was consistent and had been in statute for many years. **Senator Ricks** and **Mr. Frost** discussed many new apprentices were coming into the system but shortages occurred due to growth in population.

Senator Lakey and **Mr. Frost** discussed the change in the civil penalties charges from \$200 to \$1,000. **Mr. Frost** stated all of the Boards agreed the \$200 fine for a first offense was too lenient, but a \$1,000 civil penalty sent a message.

Mr. Frost continued to note the changes in the docket.

DISCUSSION: **Senator Lakey** remarked in the past, there were discussions about the Energy Code and the role government played and asked for an update. **Mr. Frost** reported the Building Code Board conducted negotiated rulemaking in 2022 and adopted Energy Code requirements. Some requirements were not changed. Many entities opposed removing any of the requirements for the Energy Code. He stated some engineers and architects were in opposition to the rule chapter. At the November 2022 meeting, the IDOPL Board decided not to move forward to continue negotiated rulemaking in 2023.

MOTION: **Senator Lakey** moved to approve **Docket No. 24-0000-2202F**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 24-3910-2201 **Rules of the Idaho Electrical Board (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule, p. 376.** **Mr. Frost** gave a brief overview of the changes in the rule (Attachment 6).

DISCUSSION: **Chairman Cook** and **Mr. Frost** discussed the limitations of installer licenses and the rules that provided for the scope of work.

Mr. Frost noted the Electrical Board (Board) adopted a new code cycle and moved to the 2020 National Electrical Code. The Code Collaborative asked the Board to delay the changes for a year to accommodate the IDOPL transition to consolidate and move to the Chinden campus in 2021. The Electrical Board took the entirety of the changes and adopted them. Conversations occurred relating to a minimum code for solar installations. The setback requirements were relaxed.

Senator Lakey inquired if there was a summary of the changes between the current code and the 2020 code. **Mr. Frost** indicated he would provide a written copy. **Senator Lakey** noted his preference was not to vote until further information on the changes were provided.

Senator Ricks queried if there was an effort or were the changes to be done on a Zero-Based Regulation (ZBR) on any consistent basis? **Mr. Frost** answered the IDOPL was on a 5-year cycle. The Governor would determine if

that cycle would change. He noted there was nothing in statute to repeal or replace the 5-year cycle or any other specified period.

MOTION:

Senator Lakey moved to hold **Docket No. 24-3910-2201** in Committee, subject to the Call of the Chair. **Chairman Cook** seconded the motion. The motion carried by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chair Lenney passed the gavel to Chairman Cook.

ADJOURNED:

There being no further business at this time, **Chairman Cook** adjourned the meeting at 3:01 p.m.

Senator Cook
Chair

Linda Kambeitz
Secretary



State of Idaho

Division Of Occupational and Professional Licenses

BRAD LITTLE
Governor

RUSSELL BARRON
Administrator

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Division Administrative Rule Review

Senate Commerce and Human Resources Committee

[Pending Fee Rulebook](#)

Under Executive Order 2020-01, Zero-Based Regulation, the Division of Occupational and Professional Licensing is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of these chapters by collaborating with the public to streamline or simplify the rule language in this chapters, and use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statutes and [Executive Order 2020-01: Zero-Based Regulation](#).

The committee docket rule review for the 2023 Idaho Legislative Session includes rule chapters repealed and replaced through the Zero-Based Regulation negotiated rulemaking process (highlighted). While the committee pending fee rule book is a clean chapter publication of the new chapter, our Division has provided redlined copies of the tracked changes within the chapter to your committee secretary for review.

Due to no concurrent resolution on administrative rules in the 2022 Idaho Legislative Session, all other Division rule chapters were properly reauthorized as temporary rule without changes pursuant to Sections 67-5226(1)(a-c) and 67-5226(2), Idaho Code, for the protection of public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens.

Docket No. 24-0000-2202F

- 24.01.01 – Rules of the Board of Architectural Examiners (page 236)
- 24.04.01 – Rules of the Board of Registration for Professional Geologists (page 242)
- 24.07.01 – Rules of the Idaho State Board of Landscape Architects (page 246)
- 24.08.01 – Rules of the State Board of Morticians (page 249)
- 24.18.01 – Rules of the Real Estate Appraiser Board (page 255)
- 24.21.01 – Rules of the Idaho State Contractors Board (page 267)
- 24.22.01 – Rules of the Idaho State Liquefied Petroleum Gas Safety Board (page 268)
- 24.25.01 – Rules of the Idaho Driving Businesses Licensure Board (page 271) – ZBR Chapter Rewrite**
- 24.28.01 – Rules of the Barber and Cosmetology Services Licensing Board (page 276)
- 24.29.01 – Rules of Procedure of the Idaho Certified Shorthand Reporters Board (page 296)
- 24.30.01 – Idaho Accountancy Rules (page 299) – ZBR Chapter Rewrite**
- 24.32.01 – Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors (page 310)
- 24.37.01 – Rules of the Idaho Real Estate Commission (page 323)
- 24.39.20 – Rules Governing Plumbing (page 327) – ZBR Chapter Rewrite**
- 24.39.31 – Rules for Factory Built Structures (page 336)
- 24.39.40 – Safety Rules for Elevators, Escalators, and Moving Walks (page 347)
- 24.39.50 – Rules of the Public Works Contractors License Board (page 349)



State of Idaho

Division Of Occupational and Professional Licenses

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24.39.70 – Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems
(page 367) – ZBR Chapter Rewrite

24.39.90 – Rules Governing the Damage Prevention Board (page 372)

Docket No. 24-3910-2201

24.39.10 – Rules of the Idaho Electrical Board (page 378) – ZBR Chapter Rewrite

ATTACHMENT 2, TIM FROST, JANUARY 19, 2023

24.25.01 – RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Section 54-5403. ()

001. SCOPE.

These rules govern the Idaho Driving Businesses Act. ()

002. CHANGES IN LICENSEE INFORMATION.

~~01. Information Update.~~ Each licensee must keep the Division current on the information that the licensee has placed on record with the Division. If a change occurs to the information that a licensee provided to the Division under Rules 150, 225, or 250, the licensee must notify the Division in writing of the change within twenty (20) calendar days after the change occurs. The licensee must provide the Division, upon request, with appropriate documentation reflecting the change. ()

003. 174. (RESERVED)

~~175. FEES.~~

~~All fees are non-refundable.~~

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$25
Original Instructor License and Annual Renewal	\$25
Instructor Apprentice Permit	\$25
Original Business License and Annual Renewal	\$125
Reinstatement	As provided in Section 67-2614, Idaho Code

Commented [NK1]: Duplicative of Division statute, Idaho Code § 67-2614 (5)(a).

176. -- 199. (RESERVED)

200. RENEWAL OF LICENSE.

~~01. Application for Renewal.~~ In order to renew a license, a licensee must annually submit a timely, completed, Board approved renewal application form and pay the required renewal fees. All renewals are subject to audit. When applying for renewal, the licensee must remain in compliance with all laws and rules required for licensure. ()

~~02. Reinstatement.~~ Any license canceled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, and subject to Subsection 201.01.c., below. ()

105201. CONTINUING EDUCATION.

01. Continuing Education (CE) Requirement. Each Idaho licensed driving instructor must annually complete a minimum of eight (8) hours of continuing education every two years. ()

Commented [NK2]: Move to end of chapter.

~~a. The licensee must certify on the licensee's renewal application that the licensee has complied with the annual CE requirements for the preceding twenty-four (24) months. The Board may conduct such continuing education audits and require verification of attendance as deemed necessary to ensure compliance with the CE requirements.~~ ()

~~ba.~~ A licensee is considered to have satisfied the CE requirements for the first renewal of the initial license. ()

~~cb.~~ Prior to reinstatement of a license lapsed, canceled, or otherwise non-renewed for less than five (5) years, the applicant must provide proof of attendance of eight (8) hours of continuing education for the previous twelve (12) months. ()

~~02. Hours. Credit for continuing education hours will only be given for actual time in attendance or for the time spent participating in the educational activity. One (1) hour of continuing education is equal to sixty (60) minutes. Courses taken by correspondence or on-line may be approved for continuing education if the courses require an exam or other proof of successful completion. Only four (4) hours of the required continuing education may be from correspondence, on-line, or self-study in each renewal period. The remaining hours must be in an interactive setting that allows participants to communicate directly with the instructor. Each licensee must maintain proof of attendance or successful completion documentation of all continuing education courses for a period of three (3) years.~~ ()

~~023. Providers/Sponsors/Subjects of Continuing Education.~~ The continuing education must be provided by a nationally or regionally accredited college or university, a national or state driver education and traffic safety association such as the Idaho Association of Professional Driving Businesses, Driving School Association of the Americas, the American Driver Traffic Safety Education Association, and the American Automobile Association, transportation and law enforcement agencies, or other person or entity approved by the Board and must be germane to driver education. Courses taken on-line may be approved for continuing education if the courses require an exam or other proof of successful completion. ()

~~04. Verification of Attendance.~~ Each licensee must maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the licensee. ()

~~045. Special Exemption.~~ The Board has authority to make exceptions for reasons of individual hardship or other good cause. Each licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. ()

~~06. Carryover of Continuing Education Hours.~~ Continuing education hours not claimed in the current renewal year may be claimed in the next renewal year. A maximum of eight (8) hours may be carried forward from the immediately preceding year, and may not be carried forward more than one (1) renewal year. ()

~~202 -- 224. (RESERVED)~~

100225. DRIVING BUSINESS LICENSE.

~~A driving business license enables a licensee to operate a driver education business at one (1), principal classroom location as designated in the application. The licensee may also utilize secondary locations for classroom instruction, so long as the business does not conduct driver education at any given secondary location for more than sixty (60) days in a one-year period. A driving business license is not transferable. The business licensee must conspicuously display the license at the business's principal classroom location.~~ ()

~~01. OwnershipApplicant Identity.~~ The applicant must provide such identifying information as may be requested by the Board on a form approved by the Board. The owner referenced in Idaho Code § 54-5505 (1) including includes the names and addresses of the applicant's officers and shareholders having a twenty-five percent (25%) or greater ownership interest (if a corporation), members and managers (if a limited liability company), and partners (if a partnership). ()

Commented [NK3]: Ask Board about need for secondary location requirement.

02. Criminal History Background Check. The applicant and all persons listed under Subsection 225.01 must submit to a current, fingerprint-based criminal history check conducted by an organization approved by the Board. ~~Each applicant must ensure that such persons submit a full set of their fingerprints, and any relevant fees, to the Division which will forward the fingerprints and fees to the organization that conducts the fingerprint-based criminal history background check. The application will not be processed until the Division has received the completed fingerprint-based criminal history background checks.~~ ()

03. Classroom Locations and Certificates of Occupancy. Each applicant must list all principal and secondary classroom locations to be utilized by the business. The applicant must provide a certificate of occupancy issued ~~for each location, to the building/room by the local fire marshal or the fire marshal's designated agent, for each classroom location other than a location in a public or private school building, government building, church, or synagogue.~~ ()

04. Certificate of Vehicle Insurance. The certificate of commercial automobile insurance for each vehicle utilized by the driving business for driver education must accompany the application. The minimum coverage will include: ()

- a. Medical Payment for each person - five thousand dollars (\$5,000); and either ()
- b. Limit of liability (Combined single limit) - five hundred thousand (\$500,000) to apply to bodily injury and/or property damage; or ()
- c. Limit of liability (Split limit). Bodily injury - two hundred-fifty thousand (\$250,000) per person/ five hundred thousand (\$500,000) each accident; Property damage - two hundred-fifty thousand (\$250,000) each accident. ()

05. Licensed Instructors. Before beginning to offer driver education, and at all times while offering driver education, a driving business must employ or have contracted with one (1) or more licensed driving instructors to teach the classroom instruction phase and behind-the-wheel training phase of the driver education to be provided by the business. ~~A driving business must submit to the Division a current list of such licensed instructors with applications for original licensure, renewal, and reinstatement. The list must be kept at its primary place of business and retained for five (5) years.~~ ()

06. Vehicles. An applicant for a driving business license must submit to the Division a list of the vehicles that the business will utilize when offering driver education. A business licensee may not utilize vehicles that do not appear on the list. Each vehicle must have dual control brake pedals, safety restraints for all passengers, a side view mirror on each side of the vehicle, and an additional rear view mirror or compatible viewing device for the exclusive use of the instructor. A driving business must ensure that students are not allowed in a listed vehicle unless the vehicle is in a safe and proper operating condition. ()

a. **Initial Inspection.** An applicant may not include a vehicle on a business's vehicle list unless the vehicle has passed a vehicle inspection performed by an ASE mechanic or vehicle technician within the two (2) month period preceding the application. The inspection must be documented on a Board-approved inspection form. The person who inspected the vehicle must sign the form, certifying that the vehicle generally is in a safe and proper operating condition, and that each inspected item passed inspection or, if found to be in need of repair, was repaired on a given date. The application must be accompanied by a separate, signed form for each listed vehicle. ()

b. **Annual Inspection.** A business licensee must ensure that each vehicle passes an inspection every twelve (12) months, and that the inspection is performed by an ASE mechanic or vehicle technician documented on the Board-approved form referenced in Paragraph 225.06.a. of these rules. If a vehicle fails an annual inspection, the business licensee must withdraw the vehicle from service. The business licensee may not use the vehicle for behind-the-wheel training until the vehicle passes a subsequent inspection and the business licensee has submitted to the Division the inspection form evidencing that the vehicle has passed. ()

Commented [NK4]: Why is a list needed?

c. Incident Inspection. If a vehicle incident occurs that requires an investigation and report by law enforcement, or in which the damage exceeds one thousand five hundred dollars (\$1,500), the business licensee must withdraw the vehicle from service. The business licensee may not use the vehicle for behind-the-wheel training until the vehicle passes inspection by an ASE mechanic or vehicle technician and the business licensee has submitted to the Division the inspection form evidencing that the vehicle has passed. ()

d. Signage. The business licensee must ensure that the outside of each vehicle is equipped with safely secured signs. Signs must include "Student Driver," "Driver Education," "Driver Training," "Driving School," or similar language that clearly designates the vehicle as a driver training vehicle. ()

07. **Course of Instruction.** Each applicant must provide the course of instruction it will use when instructing students. The applicant must demonstrate, to the Board's satisfaction, that the course of instruction is designed to produce safe and effective drivers and is educationally sound. ~~The course of instruction must be based on the minimum curriculum components outlined in Rule 226, and consists of:~~ ()

~~a. Not less than thirty (30) hours of classroom instruction; and~~ ()

~~b. Not less than six (6) hours of behind-the-wheel practice driving; and~~ ()

~~c. Not less than six (6) hours of student, in-vehicle observation of other persons (e.g., parents, other student drivers, etc.) driving the vehicle.~~ ()

08. **On-line Instruction.** In addition to, or in lieu of offering classroom instruction at a physical classroom location, a business licensee may offer classroom instruction to students via the internet. While a business licensee may utilize a third party to offer on-line classroom instruction, the business licensee is responsible for ensuring that the instruction content meets the requirements of these rules and is approved by the Board. ()

101226. DRIVING BUSINESS -- MINIMUM CURRICULUM COMPONENTS.

~~The curriculum used by a driving business shall conform to the minimum standards as approved by the Board on an annual basis. The minimum standards can be found on the Board's website and on the driving business application form. In order to assure consistency among driving businesses, it is necessary that every business licensee ensure that its driver education curriculum include the following minimum curriculum components:~~ ()

~~01. Component One for Classroom.~~ ()

~~a. Conducting a parent/student orientation and course overview.~~ ()

~~02. Component Two for Classroom.~~ ()

~~a. Identifying vehicle gauges, alert, and warning symbols.~~ ()

~~b. Preparing to drive.~~ ()

~~c. Protecting occupants.~~ ()

~~03. Component Three for Classroom.~~ ()

~~a. Identifying road signs and signals.~~ ()

~~b. Identifying lane markings.~~ ()

~~04. Component Four for Classroom.~~ ()

~~a. Understanding basic traffic laws, including right-of-way rules.~~ ()

~~05. Component Five for Classroom.~~ ()

- a. Using good habits for reduced-risk driving. ()
- b. Using time and space management systems and strategies. ()
- 06. **Component Six for Classroom.** ()
- a. Explaining the effect of gravity and energy of motion on a vehicle. ()
- b. Understanding procedures to maintain vehicle balance and traction. ()
- c. Identify strategies to negotiate hills and curves. ()
- 07. **Component Seven for Classroom.** ()
- a. Identifying strategies to use when driving in rural and urban environments. ()
- b. Identifying strategies to use when driving on freeways. ()
- 08. **Component Eight for Classroom.** ()
- a. Identifying strategies to use when driving in bad weather. ()
- b. Identifying strategies to use when encountering roadside emergencies. ()
- 09. **Component Nine for Classroom.** ()
- a. Understanding ways to cooperate with other roadway users, including bicyclists. ()
- b. Identifying responsibilities after a collision. ()
- c. Identifying the procedure for obtaining a driver's license. ()
- d. Identifying and avoiding common driver distractions. ()
- e. Identifying ways to prevent drowsiness while driving. ()
- f. Resisting aggressive driving behaviors. ()
- 10. **Component Ten for Classroom.** ()
- a. Explaining the effects of alcohol on the body. ()
- b. Explaining the effects of alcohol on the driving task. ()
- c. Correlating drinking and driving with vehicle crashes. ()
- d. Identifying Idaho laws related to drinking and driving. ()
- e. Explaining the dangers of alcohol and other drug use. ()
- 11. **Component Eleven for In-Car.** ()
- a. Performing pre-drive procedure. ()
- b. Identifying vehicle controls. ()

- c. Starting the vehicle. ()
- d. Backing the vehicle. ()
- e. Demonstrating approved steering technique. ()
- f. Smoothly stopping the vehicle. ()
- g. Demonstrating proper signaling and turning technique. ()
- h. Recognizing relevant signs and markings. ()
- i. Distinguishing between four-way and two-way stops. ()
- 12. Component Twelve for In-Car. ()
- a. Negotiating controlled and uncontrolled intersections. ()
- b. Negotiating hills and curves. ()
- c. Angle parking in a parking lot. ()
- d. Driving in rural environment. ()
- e. Making lane changes. ()
- 13. Component Thirteen for In-Car. ()
- a. Driving in an urban environment (with one-way and two-way streets, if available). ()
- b. Dealing with signal lights, pedestrians, and city traffic. ()
- c. Performing a perpendicular park. ()
- d. Merging onto the freeway. ()
- e. Driving on the freeway. ()
- f. Exiting the freeway and merging with traffic on surface streets. ()
- 14. Component Fourteen for In-Car. ()
- a. Performing a parallel park/street park. ()
- b. Performing turnabouts. ()
- c. Passing another vehicle. ()
- d. Driving independently with the instructor. ()

102227. DRIVING BUSINESS - COURSE OF INSTRUCTION.

01. **In-Car Documentation.** A business licensee must ensure that each listed vehicle contains documentation that identifies each student and the student's permit number. Permits will be given to the students following the successful completion of the course and used during the required graduate licensing process. ()

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02. Maximum Daily Driving and Observation Time. Neither a business licensee nor an instructor licensee may permit an enrolled student to receive more than two (2) hours of behind-the-wheel driving time per day. Maximum observation time is two (2) hours per student, per day, and may be completed with a parent or legal guardian. ()

~~**03. Maximum Number of Students In Vehicle.** Neither a business licensee nor an instructor licensee may permit more than three (3) students in a vehicle at one (1) time.~~ ()

0403. Grading Criteria. A business licensee may not permit a student to graduate from the business's driver education program unless the student has achieved an eighty percent (80%) or higher in each of the three (3) course areas described in Idaho Code § 54-5405(1) (a)-(c), Subsection 225-07. The business licensee must utilize written grading criteria for each of the minimum components in the curriculum approved by the Board Rule 226. Criteria may include student attitude and such other criteria as the driving business may deem appropriate. The business licensee must maintain records of the student's grades. ()

0504. Driving Log. Each driving instructor must complete a log for each student's behind-the-wheel driving and each driving business licensee must ensure that its driving instructors complete the log. The log must include: ~~for each student, at least~~ the student's name, birthdate, phone number, driving permit number, class date, instructor's name, lesson objective, total instruction time, total observation time, final grade, and date the student passed. ()

0605. Reporting. A business licensee will send student performance information as prescribed by the Idaho Division of Motor Vehicles (DMV) to the DMV no later than five (5) p.m. on the third business day following completion of the course. ()

0706. Record Retention. The business licensee must maintain all logs and other records required under Rule 227 for at least three (3) years from date on which the student completes, or is no longer enrolled in, the business's driver education course. The business licensee may not release these records without written consent from the student and the student's parent or legal guardian. The Board and its agents, however, may inspect these records at any time. ()

~~**228. - 249. (RESERVED)**~~

103250. DRIVING INSTRUCTOR LICENSE.

~~**01. Application.** An applicant must apply on a Board approved application form.~~ ()

012. Driving Record and Drivers License. On a Board approved application form, ~~Each~~ applicant must submit a copy of a valid driver's license ~~in good standing~~ and a copy of a satisfactory driving record. An unsatisfactory record includes, but is not limited to, two (2) moving violations in the past twelve (12) months, or suspension or revocation of a driver's license in the last thirty-six (36) months, or a conviction involving alcohol or controlled substances within the last thirty-six (36) months. ()

023. Criminal History Background Check. Each applicant must submit to a current, fingerprint-based criminal history check conducted by an organization approved by the Board. ~~Each applicant must submit a full set of the applicant's fingerprints, and any relevant fees, to the Division which will forward the fingerprints and fees to the organization that conducts the fingerprint-based criminal history background check. The application will not be processed until the completed fingerprint-based criminal history background check has been received.~~ ()

034. Medical Certificate. A driving instructor licensee may not provide in-vehicle instruction to students if the instructor suffers from a medical condition that may impair the instructor's ability to safely instruct student drivers. Each applicant for an instructor's license must obtain a medical examination performed by a licensed medical professional. The examination must be completed within two (2) years preceding the application. A driving instructor licensee must obtain a new medical certificate every two (2) years and annually certify compliance with these requirements. The applicant must submit a medical examiner's certificate, issued and signed by a licensed, qualified

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medical professional, ~~documenting that the examination occurred and that the applicant does not suffer from any physical or mental condition or disease that would impair the applicant's ability to safely instruct student drivers.~~ If a medical condition exists, the applicant must re-certify as the medical professional requires and submit that information to the Board. ()

045. Instructor Apprenticeship Training Program. Applicants for licensure must demonstrate to the Board's satisfaction that they have successfully completed all required classroom instruction and behind-the-wheel training hours from a Board-approved instructor apprenticeship training program ~~or have met the requirements for a waiver of the apprenticeship training program as set forth in these rules.~~ The applicant must have undertaken and completed the apprenticeship training program within the five (5) year period immediately preceding the application. ()

a. Proof of successful completion must include written certificate from a Board-approved apprenticeship training program certifying that the applicant has satisfactorily completed the program. ~~An applicant need not have completed all required classroom instruction and behind-the-wheel training hours through a single program so long as the last program attended by the applicant ensures itself, and its business licensee certifies to the Board that the applicant has satisfactorily completed all required hours through Board-approved apprenticeship training programs.~~ ()

b. A person may not enroll in an apprenticeship training program unless the person has applied for, paid for, and obtained an apprenticeship permit from the Board. The applicant must apply on Board-approved forms, which must identify the applicant and the business licensee in whose approved apprenticeship training program the applicant will be enrolled. The individual applicant must establish that they are at least twenty-one (21) years old, ~~and meet the requirements of Rule 250.~~ An apprenticeship permit automatically expires one (1) year after issuance. The Board also may suspend or revoke an apprenticeship permit, and refuse to issue another permit, if the permittee engages in any act or omission that would subject the permittee to discipline if the permittee had an instructor's license. No one may be a permittee for more than three (3) years. ()

056. Waiver of Instructor Apprenticeship Training Program. An applicant is entitled to a waiver of the apprenticeship training program if they provide proof to the Board that they possess the requisite training and experience requirements as set forth below:

An applicant who has held within the past five (5) years an active and unrestricted public driver education instructor license issued by the Idaho State Department of Education and has completed eight (8) hours of continuing education within the prior year or an individual who has completed the Idaho State Department of Education driving instructor program within the past five (5) years and has completed eight (8) hours of continuing education within the prior year qualifies for a waiver of the apprenticeship training program requirement. ()

~~251. -- 274. (RESERVED)~~

104275. OPERATION OF INSTRUCTOR APPRENTICESHIP TRAINING PROGRAM.

01. Application for Approval. A business licensee may operate a Board-approved instructor apprenticeship training program. The business licensee must apply for program approval on forms provided by the Board. ()

~~**02. Suspension or Revocation of Approval and Discipline.** If an approved program fails to consistently adhere to the approval criteria in these rules, the Board may suspend or revoke the approval. ()~~

0302. Apprentices. The business licensee must ensure that all persons who enroll in the licensee's program possess a valid instructor apprenticeship training permit from the Board. ()

0403. Instruction and Training Hours. The ~~Board must be satisfied that the~~ program must include the instruction and training as required by Idaho Code § 54-5406 (2). ~~has designed its proposed instruction and training to produce safe and effective driving instructors. The business licensee must ensure that the program includes at least the following instruction and training components:~~ ()

a. ~~Each apprentice must receive at least thirty (30) hours of classroom instruction covering the curriculum components for student classroom instruction specified in Subsections 226.01 through 226.10 of these rules. These~~The required classroom hours may also be completed through on-line or internet based instruction. ()

b. ~~Each apprentice must receive at least fifty (50) hours of behind the wheel training covering the curriculum components for student in-car instruction specified in Subsections 226.11 through 226.14 of these rules.~~ When an apprentice begins to provide behind-the-wheel driving instruction to students, a program instructor must supervise the apprentice by riding in the vehicle with the apprentice and students for the first six (6) hours. A program instructor also must ride in the vehicle with the apprentice and students to evaluate the apprentice during the final two (2) hours of the apprentice's behind-the-wheel training. ()

0504. Instructors. The business licensee must ensure that only licensed driving instructors are allowed to teach in the program. A list of the instructors must accompany the application for approval. ()

0605. Recordkeeping. The business licensee must ensure that the program maintains progress records for each apprentice. A program instructor and the apprentice must sign and date the records each month, and copies of the records must be provided to the apprentice. The records must, at a minimum, identify each lesson completed, the number of hours of instruction involved in the lesson, the date the apprentice completed the lesson, the instructor who taught the lesson, and whether the apprentice passed. ~~When an apprentice's course of instruction has been completed or terminated, the program business licensee must maintain the records of the apprentice's progress, and the total hours recorded and maintained by the program for a period of five (5) years from completion or termination date. These records are subject to inspection by the Board at any time.~~ ()

0706. Certificate of Proficiency. The program must provide each apprentice with a certificate of proficiency evidencing all hours satisfactorily completed by the apprentice while in the program, and that the apprentice is proficient in all areas covered by the certificate. ()

0807. Discontinuance of Program. If the business licensee ceases to operate the program, the business licensee must provide the program's current and prior apprentices with any progress or other records that the program is required to maintain under this Section.

400475. FEES.
All fees are non-refundable.

<u>FEE TYPE</u>	<u>AMOUNT</u> <u>(Not to Exceed)</u>
<u>Application</u>	<u>\$25</u>
<u>Original Instructor License and Annual Renewal</u>	<u>\$25</u>
<u>Instructor Apprentice Permit</u>	<u>\$25</u>
<u>Original Business License and Annual Renewal</u>	<u>\$125</u>
<u>Reinstatement</u>	<u>As provided in Section 67-2614,</u> <u>Idaho Code</u>

~~276. -- 449. (RESERVED)~~

300450. DISCIPLINE.

01. Grounds for Discipline. In addition to the grounds for discipline listed in Section 54-5408, Idaho Code, grounds for discipline also include: ()

~~a. Failure to cooperate with an inspection or audit conducted by the Board or its agents including, without limitation, any continuing education audit, as specified in Section 54-5403(6), Idaho Code. Failure to cooperate includes, without limitation, failure to provide documentation requested by the Board or its agents during an inspection or audit of the licensee's compliance with Board laws or rules. ()~~

b. violating any of the following standards of conduct that have been adopted by the Board: ()

ai. A licensee must not use fraud or deception in procuring or renewing, or in attempting to procure or renew, a license, permit, or other authorization issued by the Board. ()

iiib. A licensee must not aid, abet, or assist any person or entity in conduct for which a license or permit is required under Idaho Driving Businesses Act, unless the person or entity has the required license or permit. ()

iiic. A licensee must comply with final orders of the Board issued in contested cases to which the licensee is a party. ()

~~**02. Disciplinary Sanctions.** If the Board determines that grounds for discipline exist, it may impose disciplinary sanctions against the licensee including, without limitation, any or all of the following: ()~~

~~a. Revoke or suspend the licensee's license(s); ()~~

~~b. Restrict or limit the licensee's practice. ()~~

~~451. -- 999. (RESERVED)~~

ATTACHMENT 3, TIM FROST, JANUARY 19, 2023

24.30.01 – IDAHO ACCOUNTANCY RULES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 54, Chapter 2, Idaho Code. ()

001. SCOPE.

These rules govern the administration of the certified public accountant examination, the issuance and renewal of licenses to practice as certified or licensed public accountants, the registration of firms, the regulation of individuals granted practice privileges, and the limitation of non-licensees. ()

~~002. -- 003. (RESERVED)~~

004002. INCORPORATION BY REFERENCE.

The following documents are hereby incorporated by reference into IDAPA 24.30.01 and can be obtained at the Board office. Licensees are required to comply with the following standards when applicable. ()

01. **AICPA Standards.** The AICPA Professional Standards as applicable under the circumstances and at the time of the services, except as superseded by Section 54-206(8), Idaho Code. ()

02. **CPE Standards.** 2016⁹ Statements on Standards for Continuing Professional Education Programs jointly approved by NASBA and AICPA. ()

03. **PCAOB Standards.** The Standards issued by the Public Company Accountability Oversight Board, as applicable under the circumstances and at the time of the services. ()

~~005. -- 009. (RESERVED)~~

010003. DEFINITIONS.

The Idaho State Board of Accountancy adopts the definitions set forth in Section 54-206, Idaho Code. In addition, as used in this chapter: ()

01. **Administering Organization.** An entity that has met, and at all relevant times continues to meet, the standards specified by the Board for administering peer reviews. ()

02. **Board.** The Board or its designated representative. ()

03. **Candidate.** Applicants approved to sit for the CPA Examination. ()

04. **CPA Examination.** Uniform Certified Public Accountant Examination. ()

05. **CPE.** Continuing Professional Education. ()

06. **Ethics CPE.** Programs in ethics include topics such as ethical reasoning, state-specific statutes and rules, and standards of professional conduct, including those of other applicable regulatory bodies. ()

07. **NASBA.** The National Association of State Boards of Accountancy. ()

08. National Candidate Database. The National Association of State Boards of Accountancy database of all CPA Examination candidates. ()

09. State-Specific Ethics for Idaho. A minimum two-hour (2) CPE course on Idaho Accountancy Act and Rules, ~~which is exempt from the Statements on Standards for CPE.~~ ()

10. Year of Review. The calendar year during which a peer review is conducted. ()

11. Year Under Review. The twelve-month (12) period that is reviewed. ()

~~011. -- 017. (RESERVED)~~

~~**018. COMPLIANCE WITH THESE RULES.**~~

~~A licensee of the Board or an individual granted practice privileges is subject to the rules of the Board when rendering professional services. ()~~

~~**019. COMPUTATION OF TIME.**~~

~~The time in which any act provided by law, rule, order, or notice is to be done is computed by excluding the first day; and including the last day unless the last day is a Saturday, Sunday, or legal holiday and then it is also excluded. ()~~

~~**020. GOOD MORAL CHARACTER.**~~

~~**01. Demonstrating Good Moral Character.** Applicants have the burden of demonstrating good moral character as defined by Section 54-206(11), Idaho Code, in the manner specified by the Board in its application forms. ()~~

~~**02. Evidence.** Prima facie evidence of a lack of good moral character includes, but is not limited to: ()~~

~~**a.** Any deferred prosecution agreement involving an admission of wrongdoing, or any criminal conviction, including conviction following a guilty plea or plea of nolo contendere, for any felony or any crime, an essential element of which is fraud, dishonesty, or deceit, or any other crime that evidences an unfitness of the applicant to provide professional services in a competent manner and consistent with the public safety; ()~~

~~**b.** Revocation, suspension or the lapsing in lieu of discipline of any license or other authority to practice by or before any state, federal, foreign or other licensing or regulatory authority; or ()~~

~~**c.** Any act that would be grounds for revocation or suspension of a license if committed by a licensee of the Board. ()~~

~~**03. Rehabilitation.** The applicant may offer, and the Board may consider the following factors in determining whether the applicant's moral character has been rehabilitated as of the date the applicant is seeking licensure. These factors include, but are not limited to: ()~~

~~**a.** The applicant's completion of criminal probation, restitution, community service, military or other public service; ()~~

~~**b.** The passage of time without the applicant's commission of further crime or act demonstrating a lack of good moral character; and ()~~

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~~_____ c. _____ The entry of an order by any state or federal court expunging any conviction, reducing a conviction from a felony to misdemeanor, or commuting, suspending, or withholding any judgment as provided by law.~~
()

~~021. NOTIFICATION OF CHANGE OF ADDRESS, FELONY CHARGES, OR ACTIONS TAKEN.~~

~~Per Section 54-211(3), Idaho Code, within thirty (30) days after its occurrence, a licensee or candidate will notify the Board, in writing, of:~~ ()

~~_____ 01. Address Change. A change in the business address, residence address, or business connection, employer, or principal place of business;~~ ()

~~_____ 02. Felony Charge. Any felony charges, or;~~ ()

~~_____ 03. Actions Taken. The issuance, denial, disciplinary action, restriction, revocation, or suspension of a certificate, license, or permit by another state or by any federal agency.~~ ()

~~022. -- 099. (RESERVED)~~

100. CPA EXAMINATION.

An applicant must pass the CPA Examination before applying for a CPA license. The CPA Examination is graded by the American Institute of Certified Public Accountants and subject to review and acceptance by the Board. ()

~~101. EXAM APPLICATIONS.~~

~~Applications to take the CPA Examination are to be made as prescribed in accordance with Section 54-208, Idaho Code.~~ ()

~~102101. AUTHORIZATION TO TEST AND NOTIFICATION TO SCHEDULE.~~

The Board will forward notification of eligibility in the form of an Authorization to Test (ATT) to NASBA. The ATT is issued for the test section(s) for which the candidate applied. Candidates must pay the fees charged by the AICPA, NASBA, and the test delivery service provider directly to NASBA. The ATT will expire ninety (90) days after it is issued if the candidate has not paid the appropriate fees. Eligible candidates will receive a Notice to Schedule (NTS) for the CPA Examination. The NTS is valid for six (6) months from the date issued. A candidate's ATT lasts as long as the NTS is valid, or until the candidate tests, whichever occurs first. ()

~~103102. FAILURE TO APPEAR.~~

A candidate who fails to appear for the CPA Examination forfeits all fees paid. ()

~~104103. CPA EXAM EDUCATIONAL QUALIFICATIONS.~~

A candidate for the CPA examination provides evidence of successful completion of a baccalaureate degree or its equivalent to include thirty (30) or more semester hours (or forty-five (45) or more quarter hours) in business administration subjects of which at least twenty (20) semester hours ~~in upper division or graduate courses~~ (or at least thirty (30) quarter hours) are in accounting subjects ~~(excluding introductory level courses)~~. ()

~~105104. TESTING PERIOD AND CREDIT.~~

01. CPA Examination Credit. Candidates are to pass all four (4) test sections of the CPA Examination with a grade of seventy-five (75) or higher within an eighteen-month period which begins on the actual date of notification of a passing score result, ~~date that the first test section is passed~~. Candidates who do not ~~sit and ultimately receive a passing~~ pass score on all four (4) sections of the CPA Examination within the eighteen-month period lose ()

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credit for any test section(s) passed outside the eighteen-month period and that test section(s) is to be retaken. ()

02. Extending the Term of Credit. The Board may extend the term of credit validity upon demonstration by the candidate that the credit was lost by reason of circumstances beyond the candidate's control. ()

03. Transfer of Credit. An applicant may submit the results of any test section of the CPA Examination taken by the applicant in any other state having standards at least equivalent to those of this state, and these results may be adopted by the Board in lieu of examination in this state on the same test section and in accordance with the provisions of Section 54-210, Idaho Code, and these rules. ()

~~106~~105. CHEATING.

01. Actions. Cheating by an applicant in applying for the CPA Examination or by a candidate in taking the CPA Examination ~~may will~~ cause any grade otherwise earned on any part of the CPA Examination to be invalidated ~~and impact the applicants ability to retest for a specified period of time. -- Cheating may warrant summary expulsion from the examination room and disqualification from taking the CPA Examination for a specified period of time.~~ ()

02. Hearings. ~~If the Board believes that it has evidence that a candidate has cheated on the examination or a candidate has been expelled from the examination, the candidate will be provided notice and opportunity for hearing. In such hearings, the Board decides:~~ ()

~~a. Whether or not there was cheating, and if so what remedy should be applied;~~ ()

~~b. Whether the candidate will be given credit for any portion of the examination completed in that session; and~~ ()

~~c. Whether the candidate will be barred from taking the examination in future sittings, and if so, for how many sittings.~~ ()

023. Notice. If a candidate is refused credit for any test section of an examination taken, disqualified from taking any test section, or barred from taking the examination in the future, the Board will provide information about findings and actions taken to the national candidate database and the board of any other state to which the candidate may apply for the examination. ()

~~107~~106. SECURITY AND IRREGULARITIES.

Notwithstanding any other provisions under these rules, the Board may postpone scheduled examinations, the release of grades, or the issuance of certificates due to a breach of security, unauthorized acquisition or disclosure of the contents of an examination, suspected or actual negligence, errors, omissions, or irregularities in conducting an examination, or for any other reasonable cause or unforeseen circumstance. ()

~~108. -- 199. (RESERVED)~~

~~200~~107. INITIAL CERTIFIED PUBLIC ACCOUNTANT LICENSURE.

Applications for initial licensure are to be made as prescribed in Section 54-207, Idaho Code, and are to comply with the following: ()

01. Education. ()

a. Applicants for licensure are to meet the provisions of Section 54-207(2), Idaho Code. An applicant for licensure who was accepted for the May 2000 CPA Examination or prior examination is exempt from additional educational requirements. ()

b. The Board will recognize: ()

i. Any college or university accredited by ~~the Northwest Commission on Colleges or Universities or any other regional accrediting association having equivalent standards~~ a regional accrediting organization recognized by the Council for Higher Education Accreditation (CHEA),

()

~~ii. Any independent senior college in Idaho certified by the State Department of Education for teacher training; and ()~~

~~iii. Accounting and business programs accredited by the Association to Advance Collegiate Schools of Business (AACSB) or;~~

~~iii. any other accrediting agency having equivalent standards. ()~~

c. An applicant is deemed to have met the education requirement if, as part of the one hundred fifty (150) semester hours of education, the applicant has met any one (1) of the following conditions: ()

i. Earned a graduate degree with a concentration in accounting from a program that is accredited in accounting by an accrediting agency approved by the Board; ()

ii. Earned a graduate degree from a program that is accredited in business by an accrediting agency approved by the Board. Completion of at least twenty-four (24) semester hours in accounting ~~(excluding introductory courses)~~ at the ~~upper division~~ undergraduate level or fifteen (15) semester hours at the graduate level, or an equivalent combination thereof, including coverage of, but not necessarily separate courses in, the subjects of ~~data analytics~~, financial accounting, auditing, taxation, and management accounting; ()

iii. Earned a baccalaureate degree at an institution approved by the Board or from a program that is accredited in business by an accrediting agency approved by the Board. Completion of at least twenty-four (24) semester hours in business (other than accounting courses) and twenty-four (24) semester hours in accounting ~~(excluding introductory courses)~~ at the ~~upper division~~ undergraduate level or graduate level including coverage of, but not necessarily separate courses in, the subjects of ~~data analytics~~, financial accounting, auditing, taxation, and management accounting. ()

02. Experience. ()

a. An applicant is to provide evidence of one (1) year of experience as prescribed in Section 54-209, Idaho Code, and these rules. Experience consists of full or part time employment that extends over a period of no less than twelve (12) months and no more than thirty-six (36) months with no fewer than two thousand (2,000) hours earned within the ten (10) year period immediately preceding the latest application for licensure. ()

b. An applicant completes and submits the Verification of Employment and Experience Evaluation

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form(s). An applicant may be called to appear before the Board to supplement or verify evidence of experience.

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c. A licensee verifying experience will maintain supporting documentation of the applicant's experience until thirty (30) days after the applicant is granted a license. The licensee will permit the Board to inspect the supporting documentation prior to issuing a license to the applicant. Any licensee who has been requested by an applicant to submit to the Board evidence of the applicant's experience and has refused to do so will, upon request by the Board, explain in writing or in person the basis for such refusal.

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d. A licensee who is responsible for supervising attest services, and signs or authorizes someone to sign the accountant's report on the financial statement on behalf of the firm, is to meet the experience requirement set out in the AICPA statements on quality control standards.

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03. Examination on Code of Professional Conduct. Prior to licensure, applicants successfully complete a course in professional ethics that is acceptable to the Board.

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~~04. Initial License Application Fee. As prescribed in Rule 600.~~

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201108. ANNUAL LICENSE RENEWAL AND LATE FEE.

01. Renewal. Licenses expire on June 30 of each year.

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02. Non-Renewal. Individuals choosing not to renew their license are to notify the Board, on the renewal form by the expiration date. Individuals with lapsed licenses may not publicly display their wall certificates, use the title CPA or LPA, or provide services that are reserved to licensees.

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03. Late Fee. Licenses renewed after July 1, but before August 1, are subject to the late renewal fee as prescribed in Rule 600. After August 1, any license not renewed is deemed lapsed and is subject to reinstatement pursuant to Section 54-211, Idaho Code.

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202109. PRACTICE PRIVILEGES, INTERNET DISCLOSURE.

~~01. Substantially Equivalent. As prescribed in Section 54-227, Idaho Code, and these rules.~~

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0102. Internet Disclosures. An ~~non-Idaho licensee individual~~ entering into an engagement to provide professional services via a web site, pursuant to Idaho practice privileges, is to disclose on their web site:

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a. **Licensure and Address.** Their principal state of licensure, license number, and address; ~~and-~~

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b. **Contact Method.** A means for regulators and the public to contact a responsible licensee in charge at the firm regarding complaints, questions, or regulatory compliance.

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203110. RECIPROCAL LICENSURE.

If the practice privilege standard set out in Section 54-227, Idaho Code, is not applicable, the Board will issue a license to an applicant provided that the applicant pays the application and licensure fees prescribed in Rule 600 and meets one of the following:

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01. Interstate Reciprocity. The requirements for a reciprocal license under Section 54-210(2), Idaho

Code. Notwithstanding anything to the contrary, an individual whose principal place of business is not in this state and who holds a valid license or permit with unrestricted practice privileges as a Certified Public Accountant from any state that the NASBA National Qualification Appraisal Service has verified to be in substantial equivalence with the CPA licensure requirements of the AICPA/NASBA Uniform Accountancy Act is presumed to have the qualifications substantially equivalent to this state's requirements. ()

02. International Reciprocity. The requirements for foreign reciprocal licensure under Section 54-210(5), Idaho Code, provided that the Board relies on the International Qualifications Appraisal Board for evaluation of foreign credential equivalency. Such licensees are to report any investigations undertaken, or sanctions imposed, by a foreign credentialing body against the licensee's foreign credential. The Board will participate in joint investigations with foreign credentialing bodies and rely on evidence supplied by such bodies in disciplinary hearings. ()

~~204. -- 299. (RESERVED)~~

300. APPLICABILITY OF RULES.

~~01. Reliance.~~ A certified public accountant or licensed public accountant is to hold the affairs of his clients in strict confidence, observe the standards incorporated by reference, promote sound and informative financial reporting, and maintain high standards of personal conduct. ()

~~02. Acceptance of Licensure.~~ Acceptance of practice privileges or licensure as a certified public accountant or licensed public accountant establishes an affirmative obligation by said individual to be diligent in the performance of professional services, and to be fair and honest in relations with clients, fellow practitioners and the public. ()

~~03. Rules.~~ These rules do not comprise all acts that may be considered incompatible with the obligations and responsibilities imposed by professional status or discreditable or harmful even though not specifically mentioned or described in the rules. The Board may revoke, suspend, refuse to renew, administratively penalize, reprimand, restrict, or place on probation a licensee, individual granted practice privileges or other individual. The action will not be taken until the individual has been given notice and opportunity for hearing. ()

~~04. Applicability.~~ These rules apply to all professional services offered or performed by licensees or individuals granted practice privileges, including tax and management advisory services. ()

05. Responsibility. A licensee is responsible for ensuring all persons associated with the licensee in the rendering of professional services, who are either under the licensee's supervision or who are the licensee's partners or shareholders in the practice comply with these rules. A licensee may not permit others to carry out, on his behalf, either with or without compensation, acts that, if carried out by the licensee, would place the licensee in violation of any laws. ()

06. Interpretation of Rules. In the interpretation and enforcement of these rules, the Board gives consideration, but not necessarily dispositive weight, to relevant interpretations, rulings and opinions issued by other states, and by appropriately authorized standard setting bodies. ()

07. Investigative Committee. The Board may appoint an investigative committee of not less than three (3) members consisting of active licensees in good standing. The committee duties are to direct the review and investigation of complaints of violations of the Idaho Accountancy Act and Rules, and to provide reports to the Board. ()

301200. COMMISSIONS AND CONTINGENT FEES.

01. Acceptance. Licensees may accept commissions or contingent fees subject to Section 54-218, Idaho Code, the AICPA Code of Professional Conduct, and these rules. ()

02. Disclosures. Any licensee who directly or indirectly accepts or agrees to accept such form of compensation is to disclose the terms of such compensation to the client. The disclosure is to be: ()

a. In writing, clear, and conspicuous; and state the amount of the compensation or basis on which it will be computed; ()

b. Made at or prior to the time of the recommendation or referral of the product or service for which the commission is paid, prior to the client retaining the licensee to whom the client has been referred for which a referral fee is paid, and prior to the time the licensee undertakes representation of or performance of the service upon which a contingent fee will be charged. ()

302201. CONFIDENTIAL CLIENT INFORMATION.

01. Confidentiality. A licensee is to protect and not disclose confidential client information obtained in the course of performing professional services, unless the licensee has obtained the specific consent of the client, or of such client's heirs, successors or personal representatives, or others legally authorized to give such consent on behalf of the client. ()

02. Exemptions. Nothing in these rules is construed as prohibiting the disclosure of information that is required to be disclosed: ()

a. In reporting on the examination of financial statements; ()

b. In investigations by the Board or other accounting regulatory agency; ()

c. In ethical investigations conducted in private professional organizations; ()

d. In the course of peer reviews; ()

e. To other persons active in the organization performing services for that client on a need to know basis; ()

f. To persons in the entity who need this information for the sole purpose of assuring quality control; or ()

g. By any act of law. ()

03. Disciplinary Proceedings. Members of the Board and investigative officers may not disclose any confidential client information that comes to their attention from licensees in disciplinary proceedings or otherwise, except that they may furnish such information to an investigative or disciplinary body. ()

303202. RECORDS.

A licensee is to furnish to his client or former client, upon request made within a reasonable time after original issuance of the document in question all client records, as that term is defined in the AICPA Code of Professional Conduct

belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account. The licensee may make and retain copies of such documents when they form the basis for work performed by him. Client records are to be returned upon request by the client, whether the engagement has been terminated or the licensee has been paid for services rendered. ()

01. Tax Return, Other Reports, Working Papers Including Audit Documentation Made Part of Client's Records. A licensee who has been paid for the services rendered is to furnish to his client or former client, upon request, within a reasonable time after original issuance of the document in question the following records: ()

a. A copy of a tax return of a client. ()

b. A copy of any report, or other document, issued by the licensee to or for the client; and ()

c. A copy of the licensee's working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's books and records and are not otherwise available to the client. This would include adjusting, closing, combining, or consolidating journal entries; information normally contained in books of original entry and general ledgers or subsidiary ledgers; and tax and depreciation carry forward information. The information should be provided in the medium in which it is requested, provided it exists in that medium. The licensee does not have to convert information that is not in electronic format to an electronic format. ()

02. Working Papers Including Audit Documentation Not a Part of the Client's Records. A licensee's working papers that do not become part of a client's records, which may include analyses and schedules prepared by the client at the request of the licensee, are the licensee's property, not client records, and need not be made available under any circumstances. ()

03. Charges. A licensee does not have to furnish records to a client or a former client more than once. A licensee may charge the client or former client actual costs for time and photocopying charges on subsequent requests. ()

304203. FIRM NAMES.

01. General. A licensee may only provide professional services under a firm name that is not misleading as to the description of the legal form of the firm, or as to the person or persons who are owner(s), partners, officers, shareholders or members of the firm. Names of one (1) or more past owners, partners, shareholders or members who were licensed may be included in the firm name. A partner surviving the death or withdrawal of all other partners may continue to practice under a partnership name for up to two (2) years after becoming a sole practitioner. ()

02. Title. A firm may designate itself as "Certified Public Accountant(s)," "Licensed Public Accountant(s)" or "Public Accountant(s)" when a majority of its partners, shareholders, or members are actively licensed certified public accountants or licensed public accountants under the provisions of the Idaho Accountancy Act and Rules. The firm name may not include the name of a non-licensee owner, except as allowed in Subsection 304.01 if the title "CPA(s)" or "LPA(s)" is included in the firm name. The firm name may not include the name of a person who is not a CPA or LPA if the title "Public Accountant(s)" is included in the firm name. ()

305204. RESPONSE TO THE BOARD

~~01. Response.~~ Unless otherwise specified, a licensee is to respond within thirty (30) calendar days of the mailing to any communication in which the Board requests a response. ()

~~02. — Complaints. Upon the receipt or filing of a complaint against an individual over whom the Board has regulatory authority, the Board may transmit a copy of such complaint to the individual. Upon receipt of a transmitted complaint, the individual is to file a written answer to the complaint within twenty (20) calendar days of receipt, unless otherwise granted an extension of time by the Board.~~

~~306. — 399. (RESERVED)~~

400111. CPE BASIC REQUIREMENTS.

Demonstrate participation in a program of learning that meets the requirements as set forth in the Statement of Standards as referenced in Rule 004. CPE courses approved on NASBA's National Registry of CPE Sponsors, the AICPA, and state societies are deemed to meet the CPE requirements of this state. Responsibility for documenting the acceptability of the program and the validity of the credits rests with the licensee. ()

01. Renewal. Licensees seeking active license renewal are to demonstrate that during the two (2) calendar years immediately preceding the date the reporting form is due that no less than eighty (80) hours of CPE are recorded, of which at least four (4) hours are ethics with a minimum of thirty (30) hours in any one (1) calendar year, and a maximum of fifty (50) hours recorded in any one (1) calendar year. ()

02. New and Reciprocal. Completion of at least a two-hour (2) course on Idaho state-specific ethics during the calendar year that the license is issued. During the second calendar year of licensure, a minimum of thirty (30) hours is to be completed which may include an ethics component based on the prior year submission. ()

401112. CPE REPORTING, CONTROLS, AND LATE FEES.

01. Reporting. No later than January 31 of each year, individuals renewing their licenses are to provide a signed reporting form either: ()

a. Disclosing the information pertaining to the educational programs submitted for qualification as prescribed in the CPE Standards; or ()

b. Applying for exception, extension, or exemption. ()

~~02. CPE Reciprocity. If an applicant for renewal who is licensed to engage in the practice of public accounting in another state and resides in that state, the applicant must demonstrate compliance with the continuing education requirements of that state by attesting to that effect on an application to the Board for licensure renewal. If the state in which the applicant resides does not have continuing education requirements, the applicant must comply with the requirements set forth in this section.~~

023. CPE Late Fees. A License will not be issued until the licensee files the reporting form with supporting documentation, pays the late filing as prescribed in Rule 600, license renewal fee and any other penalty the Board may impose. ()

402113. CPE EXCEPTIONS, EXTENSIONS, AND EXEMPTIONS.

01. Exceptions and Extensions. The Board may make exceptions to the CPE requirements, or grant extensions of time for completion of the CPE requirements, where reasons of health as certified by a medical doctor prevent compliance by the licensee, or other good cause exists. ()

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a. Licensees asking for exceptions or extensions under these conditions apply on the reporting form for the year in which the extension or exemption is sought, and within the time period set for CPE reporting, stating the reasons for asking for such exception or extension. Any request not filed timely is subject to the late fee prescribed in Rule 600, in addition to any administrative action. ()

b. A penalty of no more than fifty percent (50%) of the hours a licensee is short in meeting the calendar year CPE requirement may be assessed for extensions. In such cases, the licensee will be required to complete the CPE hours and any assessed penalty no later than April 30. The penalty for non-compliance with ethics CPE is to obtain the mandatory hours of ethics CPE plus fifty percent (50%) penalty hours in ethics CPE prior to April 30. The penalty for non-compliance with state-specific ethics for Idaho is to complete the course plus fifty percent (50%) penalty hours in ethics CPE prior to April 30. ()

02. **Inactive or Retired.** Licensees who elect inactive or retired status are exempt from any CPE requirements as prescribed by Sections 54-211(c) and (d), Idaho Code. A licensee who has elected inactive or retired status may provide the following volunteer, uncompensated services: tax preparation services, participating in a government-sponsored business mentoring program, serving on the board of directors for a nonprofit or governmental organization, or serving on a government-appointed advisory board. If the CPA provides the foregoing volunteer, uncompensated services, the CPA has a duty to ensure that they hold the professional competencies necessary to offer these services. ()

403114. REVIEW AND AUDIT OF CPE REPORTS.

All signed CPE reports are subject to formal verification to determine qualification and sufficiency of hours reported. A formal audit of CPE reported may be performed to determine whether hours reported qualify for credit. If a reporting form is not approved, the licensee will be notified. ()

404115. NOTIFICATION.

A licensee is served a notice of noncompliance when it is determined the CPE requirement has not been fulfilled. The notice advises and provides opportunity for the deficiencies to be addressed. If the deficiencies remain, administrative action may be taken. ()

405116. ACTION.

Following notice and hearing, the Board may suspend the license or take other action pursuant to Section 54-219, Idaho Code. ()

406117. REINSTATEMENT AND RE-ENTRY.

An individual whose license has lapsed or is in a non-active status per Section 54-211, Idaho Code, is to complete no less than eighty (80) hours of CPE, of which at least four (4) hours are in ethics CPE with a minimum of two (2) hours to be in state specific ethics for Idaho, during the twelve (12) months immediately prior to applying for reinstatement or re-entry to an active license. ~~The applicant is required to identify and complete a program of learning designed to demonstrate the currency of the applicant's competencies directly related to his area of service.~~ Completion of the CPE will otherwise exempt the licensee from obtaining CPE hours during the calendar year of returning to an active license. If a licensee applies for re-entry during a license period and has already paid the fee for an inactive or retired license, the licensee is to pay the difference between the cost of an inactive or retired license and the annual license renewal fee. An individual who is applying for reinstatement to an inactive or retired license is not required to meet a CPE requirement. ()

407. — FORMERLY LICENSED.

~~Any person who was licensed by the Board and who chose to let their license lapse, or had their license lapsed by the Board, may place the word "former" adjacent to their CPA or LPA title on any business card, letterhead, or any other document or device so long as at the time the license lapsed, the person was in good standing with the Board.~~

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408. CONTINUING PROFESSIONAL EDUCATION COMMITTEE.

~~01. Appointment. The Board may appoint a continuing professional education committee. The committee consists of not less than five (5) members who are active licensees of this state, in good standing, and who need not be members of this Board. The committee performs the following duties and is authorized to take all actions necessary to perform these duties: ()~~

~~a. To evaluate reported CPE to determine qualification. ()~~

~~b. To consider applications for exceptions, extensions, and exemptions, and to assess penalties. ()~~

~~c. To audit CPE reports and to consider other matters that may be assigned by the Board. ()~~

~~02. Powers and Duties. Any decision or ruling of this committee, in performance of these duties, will have the full power and effect of a ruling of the Board, but is subject to the Board's review and approval. ()~~

409. -- 499. (RESERVED)

500205. PURPOSE OF FIRM REGISTRATION AND PEER REVIEW.

The purpose of the program is to monitor compliance with applicable accounting and auditing standards adopted by generally recognized standard setting bodies. The program emphasizes appropriate education programs or remedial procedures that may be recommended or required where the firm does not comply with appropriate professional standards. In the event a firm is unwilling or unable to comply with professional standards, or a firm's failure to comply with professional standards is so egregious as to warrant continuing action, the Board will take appropriate action to protect the public interest as authorized by Section 54-219, Idaho Code. ()

501206. ISSUANCE OF REPORTS AND FORM OF PRACTICE.

A licensee can provide or offer to provide attest services or issue reports on compilations only in a firm as defined by Section 54-206(10), Idaho Code, except as provided under Section 54-221(4), Idaho Code. ()

502207. PEER REVIEW PROGRAM PARTICIPATION.

01. Participation. Any firm that issues reports on accounting and auditing engagements, including audits, reviews, compilations, prospective financial information, engagements performed in accordance with the PCAOB, and any examination, review or agreed-upon procedures engagement performed in accordance with the statement on standards for attestation engagements. A licensee who issues compilation reports through any form of business other than a firm is to participate in the peer review program. Such licensees are to meet the requirements for registration and peer review. ()

02. Practice Privileges. Individuals with practice privileges in Idaho are to comply with the peer review requirements in the state of their principal place of business. ()

503208. EXEMPTION FROM PARTICIPATION.

01. Firms. A firm that does not perform any of the services in Rule 502 is exempt from peer review. The firm is to notify the Board of such exemption in writing at the time of renewal of its registration. A firm that begins providing these services is to commence a peer review within eighteen (18) months of the date of the issuance

of its initial report. ()

02. Licensees Not in Public Practice. A licensee who does not perform any of the services in Rule 502 is exempt from firm registration and peer review. The licensee is to notify the Board of such exemption in writing at the time of initial CPA licensure and annually thereafter at the time of CPA or LPA license renewal. ()

03. Licensees Not Issuing Reports. A licensee who issues financial statements pursuant to Section 54-221(5), Idaho Code, is exempt from peer review. ()

504209. SCHEDULING OF THE PEER REVIEW.

01. Frequency. A firm performing any of the services in Rule 502 undergoes, at its own expense, a peer review commensurate in scope with its practice, not less than once in each three (3) years. ()

02. Currently Enrolled. A firm currently enrolled in a program of an approved administering organization will use the year of review assigned by the administering organization. The firm will notify the Board of the deadlines set by the administering organization. ()

03. Review Year. Each firm is to enroll with one (1) of the approved administering organizations. Each firm adopts the review date assigned by the appropriate administering organization and notifies the Board of such date. ()

04. New Firms. Within one (1) year of registration with the Board, new firms are to enroll with an approved administering organization. The firm adopts the review date assigned and notifies the Board of such date. ()

05. Mergers or Combinations. In the event that two (2) or more firms are merged or combined, the resulting firm retains the peer review year of the firm with the largest number of accounting and auditing hours. ()

06. Dissolutions or Separations. In the event that a firm is divided, the new firm(s) retains the review year of the former firm. In the event that the year under review is less than twelve (12) months, a review year will be assigned so that the review occurs within eighteen (18) months of the commencement of the new firm(s). ()

07. Multi-State Practices. With respect to a multi-state firm, the Peer Review Oversight Committee may accept a peer review based solely upon work conducted outside of this state if the peer review is performed in accordance with requirements equivalent to those of this state. ()

08. Report Issuance. It is the responsibility of the firm to anticipate its need for peer review services in sufficient time to enable the reviewer to issue the report within six (6) months after the review date. ()

09. Extensions. The Board may accept an extension recommended by the administering organization for the conduct of a review, provided the Board is notified by the firm within thirty (30) days of the date of receipt of recommendation for such an extension. ()

10. Just Cause. The Board may change a firm's peer review year for just cause. ()

505210. MINIMUM STANDARDS.

The minimum standards for peer review are contained in the Standards for Performing and Reporting on Peer Reviews section of the AICPA Standards. Peer reviews intended to meet the requirements of the AICPA peer review program

are to be carried out in conformity with these standards under the supervision of an administering organization approved by the Board to administer peer reviews. Reviewed firms arrange and schedule their reviews in compliance with the procedures established by the administering organization and cooperate with the administering organization and with the Board in all matters related to the review. ()

506211. REPORTING TO THE BOARD.

01. Firm Registration Form. All firms performing any of the peer reviewable services in Rule 502 annually file a firm registration no later than September 30. The registration is on a form prescribed by the Board. Firm registrations filed after September 30 are subject to penalty for non-compliance pursuant to Rule 600. ()

02. Peer Review Documentation. A firm that has undergone peer review will file a copy of the peer review report, letter of comments if any, letter of response if any, and letter accepting the review report issued by the administering organization. The letter will be filed within thirty (30) days after receipt. Additionally, firms are to notify the Board within thirty (30) days of the date the peer reviewer or a team captain advises the firm that a grade of fail will be recommended. The Board reserves the right to obtain all other information relating to the peer review. The Board also has the authority to exempt for good cause firms who would otherwise have to file peer review documentation. ()

507212. RETENTION OF DOCUMENTS RELATING TO PEER REVIEWS.

Documents relating to peer reviews are to be retained as follows: ()

01. Documents. All documentation necessary to establish that each peer review was performed in conformity with peer review standards adopted by the Board. These documents may include the peer review working papers, the peer review report, comment letters and related correspondence indicating the firm's concurrence or non-concurrence, and any proposed remedial actions and related implementation. ()

02. Retention Period. Document retention is for a period of time corresponding to the designated retention period of the relevant administering organization and, upon request of the Committee, to be made available to it. In no event may the retention period be less than ninety (90) days from the date of acceptance of the review by the administering organization. ()

508213. CONFIDENTIALITY.

The letter and any documentation submitted to the Board pursuant to Rule 506.02 is confidential as authorized by Title 74, Chapter 1, Idaho Code, unless an Order is issued by the Board pursuant to Section 54-219, Idaho Code. ()

509214. REMEDIES FOR FAILURE TO COMPLY.

01. Corrective Actions. The Board will take appropriate action to protect the public interest if the Board determines, through the peer review process or otherwise, that a firm's performance or reporting practices, or both, are not, or may not be, in accordance with applicable professional standards, or that the firm does not comply with peer review program requirements or with all or some of the reporting, remedial action, or fee penalty requirements of this section. The Board's actions may include, but are not limited to: ()

a. The annual license of the principal(s) of a non-compliant firm will not be issued until the firm complies with all requirements of these rules, provided the licensee has met all licensing requirements; ()

b. Requiring the firm to develop quality control procedures to provide a reasonable assurance that

similar occurrences will not occur in the future; ()

c. Requiring any individual licensee who had responsibility for, or who substantially participated in, the engagement(s) to successfully complete specific courses or types of continuing education as specified by the Board; ()

d. Requiring the reviewed firm to engage a Board-approved licensee to conduct a Board-prescribed on-site field review of the firm's work product and practices or perform other investigative procedures to assess the degree or pervasiveness of nonconforming work product. The Board-approved licensee engaged by the firm will submit a report of the findings to the Board within thirty (30) days of the completion of the services. The cost of the Board-prescribed on-site review or other Board-prescribed procedures will be at the firm's expense; ()

e. Requiring the reviewed firm responsible for engagement(s) to submit all or specified categories of its compilation or attest working papers and reports to a preissuance evaluation performed by a Board-approved licensee in a manner and for a duration prescribed by the Board. Prior to the firm issuing the reports on the engagements reviewed, the Board-approved licensee submits to a designee of the Board for the purpose of recommending that the Board accept a report of the findings, including the nature and frequency of recommended actions for the firm. The cost of the Board-approved preissuance evaluation will be at the firm's expense; ()

f. Initiating an investigation to determine if additional discipline pursuant to Section 54-219, Idaho Code, is warranted. Notwithstanding the foregoing, absent an investigation the specific rating of a single peer review report is not a sufficient basis to warrant disciplinary action. ()

02. **Solicitation and Review of Other Sources.** The Board may solicit, and review licensee reports and other information covered by the reports from clients, public agencies, banks, and other users of such information. ()

510215. ADMINISTERING ORGANIZATIONS.

Qualified administering organizations ~~that register with, and, which~~ are approved by the Board based on their adherence to the AICPA Peer Review minimum standards, include the peer review program of the American Institute of Certified Public Accountants (AICPA) and state CPA societies fully involved in the administration of the AICPA Peer Review Program and their successor organizations that meet the minimum standards. ()

~~511. PEER REVIEW OVERSIGHT COMMITTEE.~~

~~01. Appointment. The Board appoints an Oversight Committee consisting of no more than seven (7) members who are active licensees and possess extensive current experience in accounting and auditing services. No committee member may be a current member of the Board. ()~~

~~02. Responsibilities. The committee acts in an advisory capacity to the Board with the following duties: ()~~

~~a. Monitoring administering organizations to provide reasonable assurance that peer reviews are being conducted and reported in accordance with the peer review minimum standards. ()~~

~~i. Visit annually the administering organizations to examine their procedures for administering the peer review program and meet with the organization's peer review committee during the consideration of peer review documents. ()~~

~~ii. Review, on the basis of random selection, a number of reviews performed by the administering~~

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organization which include, at a minimum, a review of the peer review report, the letter of comments (if any), the firm's response to the matters discussed in the letter of comments, the organization's acceptance letter outlining any additional corrective or monitoring procedures, and working papers on the selected review. The review of documents may be expanded if significant deficiencies, problems, or inconsistencies are discovered. ()

b. Reports to the Board on conclusions reached and makes recommendations to the adherence to Peer Review Standards. Alternatively, for those organizations participating in the AICPA oversight program in connection with involved state societies, the committee may obtain and review the oversight program report to ensure that reviews are being conducted and reported on in accordance with the standards. Reports submitted may not contain information concerning specific firms or reviewers. ()

c. Based on the result of the foregoing procedures, the committee will make recommendation to the Board as to the continuing qualifications of the approved administering organizations. ()

~~5121, -- 599. (RESERVED)~~

600400. FEES.

01. Examination and License.

Exam/License	Initial Fee
Initial Exam	\$100
Re-Exam	\$50
Active License	\$120
Inactive or Retired License	\$100
Reciprocity	\$175 + license fee
International Reciprocity	\$175 + license fee
Transfer of Grades	\$175 + license fee
Reinstatement License	Sum of unpaid license fees for the preceding 3 license renewal cycles
Re-entry License	\$20
Firm Registration	\$20 firm plus \$5 per licensee up to \$200 maximum

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02. Administrative Services.

Category	Fee
Interstate Exchange of Information	\$10

Wall Certificate	\$20
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03. Late Fees.

Category	Fee
Late License Renewal	\$100
Non-compliance with CPE Filing:	
February	\$100
March	\$150
April	\$200
May	\$250
June	\$300
Non-compliance with Firm Registration	\$100 per licensee

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~~601. -- 999. (RESERVED)~~

24.39.20 – RULES GOVERNING PLUMBING

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to Sections 54-2601, 54-2605(1), and 54-2606(3), 54-2607, 54-2617, 54-2624, 67-2604, 67-2614, 67-9406 and 67-9409 Idaho Code. ()

001. SCOPE.

The rules prescribe criteria and fees for issuance of certificates of competency, plumbing permits, and inspections of plumbing installations, civil penalties, and adoption and amendment of the Idaho State Plumbing Code, ~~plumbing permits, fee schedules for plumbing permits, inspections of plumbing installations, the issuance of licenses for plumbing installation, adoption and amendment of the Idaho State Plumbing Code, and civil penalties.~~ ()

~~002. INCORPORATION BY REFERENCE.~~

~~The Idaho State Plumbing Code, 2017 Edition, is incorporated by reference into these rules as further specified in Rule 301.~~ ()

003. – ~~006099~~. (RESERVED)

0072. DEFINITIONS.

01. Fixture. Any water using or waste producing unit attached to the plumbing system, and includes sewers, water treatment equipment, solar systems, sprinkler systems, hot tubs and spas. ()

0083. – ~~100099~~. (RESERVED)

~~SUBCHAPTER A – PLUMBING PERMITS, FEE SCHEDULE, AND SAFETY INSPECTIONS~~

~~(Rule 101 through 103)~~

~~101~~500. PERMITS. AND INSPECTIONS

01. ~~Plumbing Contractors.~~ Permits.

a. Permits will be furnished to a licensed plumbing contractor upon submission of a complete application and proper permit fee. For commercial or industrial plumbing, a verified copy of bid acceptance must be submitted with the application. Permit serial numbers must be registered in the name of the plumbing contractor and are transferable only as provided herein these rules. ~~request. Permit serial numbers must be registered in the name of the plumbing contractor and are transferable only as provided herein these rules.~~ ()

02b. Home Owners. Homeowners making plumbing installations on their own premises under the provisions of Section 54-2602, Idaho Code, must secure a plumbing permit by making application to the Division as provided by Section 54-2620, Idaho Code. ()

03. Commercial, Industrial and Others. ~~The application form must be properly completed, and returned to the Division together with a verified copy of bid acceptance and the proper permit fee as hereinafter provided. Persons, companies, firms, associations, or corporations making plumbing installations, other than on their own property, must be licensed as a contractor by the state of Idaho as provided by Section 54-2610, Idaho Code.~~ ()

04c. Expiration of Permit. ~~Every permit expires and becomes null and void if the work authorized by such permit is not commenced within one hundred twenty (120) days from the date of permit issuance, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one~~

~~hundred twenty (120) days. Before such work can be recommenced, a new permit must first be obtained, and the fee is one half (1/2) the amount of a new permit for such work; provided, no changes have been made, or will be made in the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one (1) year. All plumbing fixtures must be listed on the application for permit. ()~~

Every permit issued shall expire by limitation and become null and void after three hundred sixty-five (365) days from the purchase date or last inspection. A permit may be renewed for an additional year upon receipt of Division approval and sixty-five dollars (\$65) renewal fee. ()

05d. Transferring a Permit. A plumbing permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself, as well as assignment of all responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the plumbing work is to be performed and for which the permit was issued, or such owner's designated legal agent in cases where the property owner has terminated their legal relationship with the plumbing contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of a permit will be assessed by the Division. ()

102. PERMIT FEE SCHEDULE.

01a. New Residential. Includes all buildings with plumbing systems being constructed on each property. The following fees shall apply to new residential construction:

One <u>and Two</u> Family Dwelling <u>Units</u>		
Square Feet		Fee
Up to 1,500	-	\$130
1,501 to 2,500	-	\$195
2,501 to 3,500	-	\$260
3,501 to 4,500	-	\$325
Over 4,500	-	\$325 plus \$65 for each additional 1,000 square feet or portion thereof

<u>Two or Multi-Family Dwelling</u>		
Dwelling		Fee
<u>Two-family dwelling</u>	-	<u>\$260</u>
<u>Multi-family dwelling</u>	-	<u>130 per Building plus \$65 per Unit</u>

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02b. Miscellaneous. The following fees shall apply for the types of permits listed:

Type	Fee
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Existing residential	\$65 per inspection plus \$10 for each additional fixture
Requested inspection	\$65 per hour or portion thereof plus costs of out-of-state travel
Technical service	\$65 per hour or portion thereof
Plan check	
Mobile home, manufactured home, or recreational vehicle park	Calculated under Subsection 102.03 of these rules
Sewer or water service line - nonresidential (new construction, installations, and replacements)	
Reclaimed water system	
Lawn sprinkler system - nonresidential	
Lawn sprinkler system - residential	\$65 per inspection
Sewer or water service line - residential (new construction, installations, and replacements)	
Mobile or manufactured home	
Modular building	
Multipurpose residential fire sprinkler	\$65 or \$4 per fire sprinkler head, whichever is greater
Gray water system	\$130 per inspection

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03c. Other Installations Including Multifamily, Industrial and Commercial. ~~The fees listed in this Subsection shall apply to plumbing installations in this schedule that refer to this Subsection and installations not specifically mentioned elsewhere in this schedule.~~ The following fees shall apply to multifamily, industrial and commercial installations and installations not specifically mentioned elsewhere in this Fee Schedule. The plumbing system cost shall be the cost to the owner of labor charges and other costs incurred to complete the installation of plumbing equipment and materials installed as part of the plumbing system. All fees calculated under this Subsection must be based on the total plumbing system cost, which must be listed on the permit.

Plumbing System Cost	Fee
Up to \$10,000	- \$60 plus 2% of plumbing system cost
\$10,000 to \$100,000	- \$260 plus 1% of plumbing system cost exceeding \$10,000
Over \$100,000	- \$1,160 plus .5% of plumbing system cost exceeding \$100,000

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04d. Additional Fees. A fee of sixty-five dollars (\$65) per hour or portion thereof shall apply to trips to

inspect when the permit holder has given notice to the ~~D~~ivision of ~~B~~uilding ~~S~~afety that the work is ready for inspection and it is not; ()

~~a.~~ ~~I~~f the permit holder has not accurately identified the work location; ()

~~b.~~ ~~I~~f the inspector cannot gain access to make the inspection; ()

~~c.~~ ~~i~~f ~~C~~orrections ~~a~~re required by the inspector as a result of the permit holder improperly responding to a corrective notice. ()

~~d.~~ ~~o~~r ~~W~~hen corrections have not been made in the prescribed time, unless an extension has been requested and granted. ()

~~05.~~ ~~No Permit. Failure to purchase a permit before commencing work may result in the assessment of a double fee.~~ ()

103. REQUIRED INSPECTIONS.

01a. Ground Work Inspection Tags. For groundwork to be covered, with acceptance by the inspector. A tag will be attached in a prominent location, preferably to a vertical riser. ()

02b. Rough-In Inspection Tags. For rough-in, prior to covering or concealing, with acceptance by the inspector. A tag will be placed in a prominent location. ()

03c. Final Inspection Tags. For final, attached when the plumbing as specified on the permit is complete and conforms to the requirements of the code. ()

04d. Inspection Tags for Unacceptable Plumbing. Correction Notice - when attached to the plumbing system means that the plumbing is not acceptable and that corrections are required. A reinspection and reinspection fee for such installations shall be required in accordance with this chapter. ()

~~104~~**501. -- 1599. (RESERVED)**

SUBCHAPTER B—PLUMBING SAFETY LICENSING

(Rule 201 through 210)

~~201~~100. ~~LICENSURE HISTORY. CERTIFICATES OF COMPETENCY AND REGISTRATION.~~

~~An applicant for any plumbing registration or certificate of competency who has been previously licensed as a journeyman or master plumber in any recognized jurisdiction is required upon application to the Division of Building Safety to disclose such licensure history and provide sufficient proof thereof. An applicant for any plumbing registration or certificate of competency who has been previously obtained a recognized licensed as a journeyman or master plumber in any recognized jurisdiction will not be issued a plumbing apprentice registration.~~ ()

~~202~~01. APPRENTICE REGISTRATION AND RENEWAL.

~~A person wishing to become a plumbing apprentice must register with the Division prior to going to work. The minimum age for any apprentice must be sixteen (16) years. No examination is required for such registration.~~ ()

01. Registration or Renewal. ~~To register or renew an apprentice registration, a person shall complete an application and pay all associated fees. comply with Section 54-2614, and 54-2614A, Idaho Code. Work Requirements. A plumbing apprentice must work at the trade under the constant on-the-job supervision of a journeyman and in the employ of a contractor for a total of four (4) years, defined as a minimum of eight thousand (8,000) hours work experience in order to be eligible for a journeyman certificate of competency.~~ ()

02. Schooling Requirements. A plumbing apprentice must complete a Board approved related course of instruction for four (4) years in order to be eligible for a journeyman certificate of competency. Unless prior approval has been granted by the Division the apprentice must complete the required course work sequentially: year one (1) must be completed prior to beginning year two (2); year two (2) must be completed prior to beginning year three (3); and year three (3) must be completed prior to beginning year four (4). A minimum of one hundred forty-four (144) hours of classroom or other Idaho Plumbing Board approved instruction time per school year is required. A grade average of seventy percent (70%) must be attained in these courses. Upon completion of apprenticeship schooling, the apprentice must obtain a certificate of completion, or a letter signed by the chairman of his apprenticeship committee, and attach the certificate or letter to his application for a journeyman license. ()

03. Journeyman Examination. ()

a. Any plumbing apprentice who desires to take the written portion of the journeyman examination must complete an Idaho Plumbing Board approved related course of instruction for four (4) years as described in Subsection 202.02 of these rules prior to the date of the exam and provide a certificate of completion with the application for examination. There is no minimum work requirement in order to be eligible to take the written portion of the plumbing journeyman examination. ()

b. Successful completion of the journeyman written examination does not eliminate the requirement to complete four (4) years of work experience, defined as eight thousand (8,000) hours, under the constant on the job supervision of a journeyman plumber or the practical portion of the examination in order to be issued a journeyman certificate of competency. Successful completion of the written plumbing journeyman examination notwithstanding, no journeyman certificate of competency will be issued until an apprentice successfully completes the practical portion for the examination and furnishes to the Division proof of satisfaction of the work requirements contained in Subsection 011.01 of these rules. Satisfaction of the work requirements contained in Subsection 202.01 of these rules is required before any individual is eligible to take the practical portion of the journeyman examination. ()

203. 02. JOURNEYMAN CERTIFICATE OF COMPETENCY.

An applicant must pass an examination designated by the Board and either (a) submit evidence of a minimum of eight thousand (8,00) hours of work experience as an apprentice making plumbing installations in accordance with the requirements of the jurisdiction in which the applicant obtained the experience and satisfactory completion of 576 hours of a board-approved course of instructions, or (b) submit proof of sixteen thousand (16,000) hours of plumbing experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. Pipe fitting and appliance plumbing specialty work will not count towards the experience qualifications for a journeyman's certificate of competency.

a. Examination. An applicant may sit for the exam after showing proof of completion of either 576 hours of board-approved course of instruction or 16,000 hours of plumbing experience.

03. Contractor and Specialty Contractor Certificate of Competency. An applicant must hold a journeyman certificate of competency for a contractor certificate or relevant specialty journeyman certificate for a specialty contractor certificate, successfully pass an examination designated by the Board, and provide a compliance bond in the amount of two thousand dollars (\$2,000). Any such bond is required to be effective for the duration of the certificate period and proof of renewal of the compliance bond is required to renew or revive a certificate. The specialty contractor's scope of work is limited as set forth in Rule 100.04.c or Rule 100.04.e. ()

a. Restrictive Use of Contractor Certificate. A contractor or specialty contractor can only represent one person or entity as stated on an original or renewal license application. In the event the representation changes or ends for any reason, the contractor or specialty contractor must immediately notify the Division in writing. Failure to provide such notification constitutes improper transferring of a license. ()

04. Specialty Apprentice Registration and Specialty Journeyman Certificates of Competency

a. Specialty Apprentice must maintain state registration and be employed by a licensed contractor.

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b. Appliance Specialty Journeyman. An applicant must pass an examination designated by the Board and either (a) submit evidence of a minimum of three thousand (3,000) hours apprentice on-the-job specialty-related experience and satisfactory completion of 72 hours of board-approved specialty-related training classes or (b) submit evidence of a minimum of six thousand (6,000) hours of specialty-related work experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. ()

c. Appliance Specialty Permitted Scope of Work. Permitted, in one-family and two-family residences only, to disconnect, cap, remove, and reinstall within sixty (60) inches of original location: water heating appliance; water treating or filtering devices; air or space temperature modifying equipment which involves potable water; humidifier; temperature and pressure relief valves; condensate drains; and indirect drains. Does not include installation, testing, or certifying of backflow prevention devices. Does not include any modification to the drain, waste or vent systems. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. ()

d. Water Pump Specialty Journeyman. An applicant must pass an examination designated by the Board and submit evidence of a minimum of three thousand (3,000) hours of specialty-related work experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. ()

e. Water Pump Specialty Permitted Scope of Work. Permitted to install and connect water service piping from pump to storage expansion pressure tank in one (1) and two (2) family residences only. Does not include installation, testing or certifying of backflow prevention devices. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. ()

01. Qualifications for Journeyman Plumber. An applicant for a journeyman plumber's certificate of competency must have at least four (4) years' experience as an apprentice making plumbing installations under the constant on the job supervision of a qualified journeyman plumber, as provided by Section 54 2611, Idaho Code. Pipe fitting will not be accepted as qualifications for a journeyman plumber's certificate of competency. In order to obtain a journeyman certificate of competency, an individual must submit an application for examination and license. The application must be accompanied by proof the applicant has completed an approved course of instruction for four (4) years as provided in Subsection 202.02 of these rules. The journeyman examination may be taken by an individual who has successfully completed a Board approved course of instruction for four (4) years as described in Subsection 202.03 of these rules. The examination fee is as prescribed by Section 54 2614, Idaho Code, and must accompany the application. ()

02. Examination. The journeyman examination grade is based on answers to written questions and practical work performed on plumbing installations as determined by the Division after successful completion of the written examination. Time allowed for the written examination is four (4) hours. A passing grade is required on the written examination. The practical portion of the exam may be performed on a job in progress or in a laboratory setting and must consist of work performed in either a residential or commercial application. The practical portion of the exam must pass with no violations. ()

03. Out-of-State Journeyman Applications. ()

a. Exhibition of a license issued by another recognized jurisdiction may be accepted as proof of meeting the experience and schooling requirements listed in Subsections 203.01 and 203.02 of these rules. An application for a journeyman certificate of competency from an individual previously licensed as a journeyman in another jurisdiction recognized by the Idaho Plumbing Board must include satisfactory proof of licensure in such jurisdiction. The applicant must pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. ()

b. An application for a journeyman certificate of competency from an individual who has never been

previously licensed as a journeyman in a jurisdiction recognized by the Board must include evidence that demonstrates that the applicant has four (4) years of plumbing work experience of a nature at least equivalent to that which a plumbing apprentice must perform in Idaho, as well as four (4) years of schooling equivalent to that which a plumbing apprentice must complete in Idaho. Alternatively, such an applicant may submit proof verifying eight (8) years, defined as a minimum of sixteen thousand (16,000) hours of plumbing work experience of a nature at least equivalent to that which a plumbing apprentice must perform in Idaho. Upon submission of sufficient proof of having completed such experience and schooling requirements, such applicant must also pay all applicable application and examination fees to the Division, and successfully complete the journeyman examination administered by the Division. ()

204. PLUMBING CONTRACTOR

01. Qualifications for Plumbing Contractor. A plumbing contractor must be certified as competent by the Idaho Plumbing Board and the administrator of the Division before he offers his service to the public. To obtain the certificate, he must first submit an acceptable application. The applicant must possess an active journeyman plumbing certificate of competency issued by the Division, a provable minimum of two and one half (2 1/2) years' experience as a licensed journeyman plumber in the state of Idaho, as well as provide payment to the Division for all applicable application and examination fees, and successfully complete the contractor examination administered by the Division. The compliance bond required by Section 54-2606, Idaho Code, is required to be on file with the Division upon successful completion of the examination. The examination fee is as prescribed by Section 54-2614, Idaho Code. ()

02. Out of State Contractor Applications. ()

a. An applicant for a contractor certificate of competency who has previously been licensed as a journeyman in another jurisdiction recognized by the Idaho Plumbing Board must first obtain an Idaho journeyman certificate of competency in accordance with Section 203 of these rules. Such applicants may provide proof of two and one half (2 1/2) years of experience as a plumbing journeyman by providing satisfactory evidence to the Division of such work history in another recognized jurisdiction. Such applicants must also pay all applicable application and examination fees to the Division, and successfully complete the contractor examination administered by the Division. The compliance bond required by Section 54-2606, Idaho Code, is required to be on file with the Division upon successful completion of the examination. ()

b. An applicant for a contractor certificate of competency who has never been previously licensed as a journeyman in a jurisdiction recognized by the Idaho Plumbing Board must first obtain an Idaho journeyman certificate of competency in accordance with Section 203 of these rules. Such applicants must also provide proof of four (4) years of experience performing plumbing work of a nature equivalent to what a journeyman in Idaho must demonstrate to qualify for a contractor certificate of competency. Proof of such work experience may be provided by the submission of three (3) sworn affidavits from individuals attesting to the fact that the applicant has had at least four (4) years' experience performing such work. Alternatively, such an applicant must provide proof of two and one half (2 1/2) years of experience as a journeyman plumber in the state of Idaho. Such applicants must also pay all applicable application and examination fees to the Division, and successfully complete the contractor examination administered by the Division. The compliance bond required by Section 54-2606, Idaho Code, is required to be on file with the Division upon successful completion of the examination. Applications that are incomplete in any detail will be returned as unacceptable, or denied. ()

03. Restrictive Use of Contractor Certificate. Any individual holding a contractor certificate and designated by a firm to represent that firm for licensing purposes represents one (1) firm only, and must immediately notify the Division in writing when his working arrangement with that firm has been terminated for purposes of becoming self employed or affiliation with another firm, or for any other reason. A license holder cannot represent any other person or firm, self employed or otherwise, than originally stated on his application for license. When a change is made, he is required to so inform the Division. Otherwise, he is guilty of transferring his license in violation of Section 54-2610, Idaho Code, and is subject to license suspension, revocation, or refusal to renew under Section 54-2608, Idaho Code, or to prosecution under the provisions of Section 54-2628, Idaho Code. ()

~~04. — Previous Revocation. Any applicant for a plumbing contractor's license who has previously had his plumbing contractor's license revoked for cause, as provided by Section 54-2608, Idaho Code, is considered as unfit and unqualified to receive a new plumbing contractor's license so long as such cause for revocation is continuing, and of such a nature that correction can be made by the applicant. ()~~

~~05. — Reviving an Expired License. Any applicant for a plumbing contractor's license who has allowed his license to expire and seeks to revive it under the provisions of Section 54-2617, Idaho Code, may be denied a license as unfit and unqualified if, while operating under the license prior to expiration, he violated any of the laws, rules or regulations applicable to plumbing contractors, and such violation is continuing, and of such a nature that corrections can be made by the applicant. ()~~

~~06. — Effective Dates. The effective dates of the compliance bond referred to in Subsection 204.012 of these rules coincide with the effective dates of the contractor's license. Proof of renewal of the compliance bond must be on file with the Division before the contractor can renew or revive his license. ()~~

~~07. — Plumbing Contractor's Responsibility. It is the responsibility of the plumbing contractor to ensure that all his employees working at the plumbing trade are licensed as provided by Idaho Code and these rules. ()~~

~~08. — Advertising. Any person or entity advertising to engage in the business, trade, practice, or work of a plumbing contractor as defined in Section 54-2611, Idaho Code, who does not possess a current and valid plumbing contractor certificate of competency issued by the Division of Building Safety, is in violation of the licensing provisions of Title 54, Chapter 26, Idaho Code. Such conduct is punishable as a misdemeanor as prescribed by Section 54-2628, Idaho Code, and subject to civil penalties in accordance with these rules. ()~~

~~a. — For the purposes of this Section, advertising includes, but is not limited to: newspaper, telephone directory, community flier ads or notices; telephone, television, radio, internet, or door-to-door solicitations. ()~~

~~b. — Any advertising, as defined in Subsection 204.08 of these rules, conducted by those persons or entities with a valid certificate of competency must include the contractor certificate of competency number. ()~~

205. — APPLICATIONS.

~~All applications for licenses must be properly completed giving all pertinent information, and signatures must be notarized. An application for a license must be submitted to the administrator of the Division and must be approved by an authorized representative of the Division before any examination is given and before any license is issued. The provisions of this section do not apply to renewal of licenses. ()~~

206. — EXAMINATIONS.

~~01. — Examinations for Journeyman Plumber. Written examinations for any journeyman plumber's license are formulated and approved by the Idaho Plumbing Board. Examination questions are based on the practical application of the Uniform Plumbing Code. No certificate of competency will be issued unless the applicant receives a final grade of seventy five percent (75%) or higher on the written examination and passes the practical portion with no violations, as well as completes the work requirements described in Paragraph 202.03.a. of these rules. An applicant receiving a grade of less than seventy five percent (75%) may apply for reexamination upon payment of the examination fee. An applicant has six (6) months to achieve a passing score. If an applicant does not achieve a passing score in six (6) months, the applicant must enroll in year four (4) in a, Idaho Plumbing Board approved related training course, complete year four (4), be registered with the Division as an apprentice, and maintain registration as per Section 202 of these rules before the applicant will be eligible to apply for examination. A completion certificate for year four (4) and the proper application fee must accompany a new application for a journeyman examination. ()~~

~~02. — Professional Testing Services. In lieu of the administration by the Idaho Plumbing Board of the examination for licenses pursuant to this rule, the Idaho Plumbing Board may contract with a professional service to~~

administer the examination and require license applicants to pay to the testing service the fee that they have set for the examination and to take such examination at the time set by such service. testing If the examination is conducted in this fashion, the Idaho Plumbing Board may charge and retain the application fee provided for by Section 54-2616, Idaho Code, to cover the cost of reviewing the applicant's application. ()

~~207. CERTIFICATES OF COMPETENCY—ISSUANCE, RENEWAL, EXPIRATION, REVIVAL—FEES.~~

~~01. Issuance.~~ Certificates of competency will be issued in such a manner as to create a renewal date that coincides with the birthdate of the individual to whom the certificate is issued and allows for renewals every three (3) years. ()

~~a.~~ Certificates of competency will be issued for a period of no less than one (1) year and no more than three (3) years. For example: a qualified applicant who applies for a certificate of competency in August of year one (1) but whose birthday will not occur until March of year two (2) will be issued a certificate of competency renewable on the anniversary of the applicant's birthdate. ()

~~b.~~ The fee for issuance of certificates of competency will be prorated based on the number of months for which it is issued. ()

~~02. Renewal.~~ Certificates of competency will be renewed in such a manner as will achieve a staggered system of certificate renewal using the birthdate of the individual to whom the certificate is issued as the expiration date. ()

~~a.~~ Certificates of competency will be renewed for a period of no less than one (1) year and no more than three (3) years. ()

~~b.~~ The fee for renewal of certificates of competency will be prorated based on the number of months for which it is issued. ()

~~c. Continuing Education.~~ The Idaho Plumbing Board will establish criteria for approval of instruction and instructors and courses and instructors will be approved by the Division of Building Safety. Proof of completion of the following continuing education requirements must be submitted to the Division prior to, or with the application for, licensure renewal by any licensee in order to renew a journeyman or contractors plumbing license. ()

~~i.~~ Journeymen must complete eight (8) hours of continuing education for every three year license cycle, or complete an exam administered by the Division. Of the required eight (8) hours, four (4) hours must be plumbing code update related and the other four (4) hours may be industry related training. ()

~~ii.~~ Contractors must complete sixteen (16) hours of continuing education for every three year license cycle. Hours accrued obtaining journeyman education may be applied toward this requirement whenever applicable. ()

~~03. Expiration—Revival.~~ ()

~~a.~~ A certificate that has expired may be revived in accordance with Section 54-2617, Idaho Code by submitting a completed application and meeting all other certification requirements. ()

~~b.~~ Revived certificates will be issued in such a manner as to create a renewal date that coincides with the birthdate of the applicant to achieve a staggered system of renewal. ()

~~208. APPLIANCE PLUMBING SPECIALTY LICENSE.~~

The purpose of this section is to set out the special types of plumbing installations for which an appliance plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. ()

~~01. — **Qualified Journeyman Plumbers.** Qualified journeyman plumbers as defined in Section 54-2611(b) Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. ()~~

~~02. — **Qualified Apprentice Plumbers.** Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. ()~~

~~03. — **Minimum Experience Requirements.** ()~~

~~a. — Experience gained by an individual while engaged in the practice of appliance plumbing specialty is not considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. ()~~

~~b. — All qualified appliance plumbing specialty journeymen must be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. ()~~

~~c. — Appliance plumbing specialty contractors must have a two thousand dollar (\$2,000) surety bond, thirty (30) months minimum journeyman experience, and successful completion of appliance plumbing specialty contractor's test. ()~~

~~d. — Appliance plumbing specialty journeymen must have eighteen (18) months apprentice on the job experience, satisfactory completion of seventy two (72) hours of Idaho Plumbing Board approved, related training classes and successful completion of the appliance plumbing specialty journeyman's test. ()~~

~~e. — Appliance plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed Idaho Plumbing Board approved related training classes and maintain state registration. ()~~

~~04. — **Special Grandfathering Provision.** ()~~

~~a. — Contractor: In lieu of the thirty (30) months minimum journeyman experience requirement, an individual may use five (5) years' experience of owning and operating a business where this specialty applies and satisfactory completion of seventy two (72) hours of Idaho Plumbing Board approved related training classes. For this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least five (5) years. ()~~

~~b. — Journeyman: In lieu of the eighteen (18) months apprentice on the job experience requirement, an individual may use five (5) years' experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W 2 earning form from a related business or businesses for at least five (5) years. ()~~

~~05. — **Examinations for Specialty Licenses.** Written examinations for specialty plumbing licenses are formulated from the practical application of the sections of the Uniform Plumbing Code. ()~~

~~06. — **Scope of Work Permitted.** Permitted to disconnect, cap, remove, and reinstall within sixty (60) inches of original location: water heating appliance, water treating or filtering devices; air or space temperature modifying equipment which involves potable water; humidifier; temperature and pressure relief valves; condensate drains and indirect drains in one family and two family residences only. Does not include installation, testing, or certifying of backflow prevention devices. Does NOT include any modification to the drain, waste or vent systems. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. ()~~

~~209. — **WATER PUMP PLUMBING SPECIALTY LICENSE.**~~

The purpose of this section is to set out the special types of plumbing installations for which a water pump plumbing specialty license is required; to set out the minimum experience requirements for such licenses; and to describe the procedure for securing such licenses. ()

01. — Qualified Journeyman Plumbers. Qualified journeyman plumbers as defined in Section 54-2611(b), Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. ()

02. — Qualified Apprentice Plumbers. Qualified apprentice plumbers as defined in Section 54-2611(c), Idaho Code, are permitted to make installations as subsequently described herein without securing an additional license for said installation. ()

03. — Minimum Experience Requirements. ()

a. — Experience gained by an individual while engaged in the practice of water pump plumbing specialty is not considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman plumber. ()

b. — All qualified water pump plumbing specialty journeymen must be licensed and be in the employ of a licensed plumbing contractor or specialty contractor limited to this category. ()

c. — Water pump plumbing specialty contractors must have a two thousand dollars (\$2,000) surety bond, thirty (30) months minimum journeyman experience, and successful completion of water pump plumbing specialty contractor's test. ()

d. — Water pump specialty journeymen must have eighteen (18) months apprentice on the job experience, satisfactory completion of twelve (12) hours of Idaho Plumbing Board approved, related training classes and successful completion of the water pump plumbing specialty journeyman's test. ()

e. — Water pump plumbing specialty apprentices must be employed by a licensed contractor, under the supervision of a journeyman, be enrolled in or have completed Idaho Plumbing Board approved related training classes and maintain state registration. ()

04. — Special Grandfathering Provision. ()

a. — Contractor: In lieu of the thirty (30) month minimum journeyman experience requirement, an individual may use three (3) years' experience of owning and operating a business where this specialty applies and satisfactory completion of twenty four (24) hours of Idaho Plumbing Board approved related training classes. For this purpose, a business is defined as an activity in which tax returns were required to be and have been filed for at least three (3) years. ()

b. — Journeyman: In lieu of the eighteen (18) months apprentice on the job experience requirement, an individual may use three (3) years' experience working for a business where this specialty applies. For this purpose, working for a business is defined as being issued a W-2 earning form from a related business or businesses for at least three (3) years. ()

05. — Examinations for Specialty Licenses. Written examinations for specialty plumbing licenses are formulated from the practical application of the sections of the Uniform Plumbing Code. ()

06. — Scope of Work Permitted. Permitted to install and connect water service piping from pump to storage expansion pressure tank in one (1) and two (2) family residences only. Does not include installation, testing or certifying of backflow prevention devices. Must comply with all Idaho plumbing laws and rules and the requirements of the Uniform Plumbing Code. ()

210301. -- 300499.

(RESERVED)

SUBCHAPTER C — IDAHO STATE PLUMBING CODE

(Rule 301)

~~301.600.~~ ADOPTION AND INCORPORATION BY REFERENCE OF THE IDAHO STATE PLUMBING CODE.

~~The Idaho State Plumbing Code published in 2017, including Appendices “A, B, C, D, E, G, I, J, K and L,” (herein ISPC) is adopted and incorporated by reference with amendments as prescribed by the Idaho Plumbing Board and contained in this Section. The Idaho State Plumbing Code is modeled after the 2015 Uniform Plumbing Code (UPC).~~ ()

~~Pursuant to Section 54-2601, Idaho Code, the Board adopts, as the Idaho State Plumbing Code (ISPC), the 2015 Uniform Plumbing Code, including Appendices A, B, C, D, E, G, I, J, K and L, with the following amendments:~~ ()

~~01.~~ Section 105.3 Testing of Systems. ()

~~a.~~ Delete and replace the following: Plumbing systems must be tested and approved in accordance with this code or the Authority Having Jurisdiction. Tests may be conducted in the presence of the Authority Having Jurisdiction or the Authority Having Jurisdiction’s duly appointed representative. ()

~~b.~~ No test or inspection is required where a plumbing system, or part thereof, is set up for exhibition purposes and has no connection with a water or drainage system. In cases where it would be impractical to provide the required water or air tests, or the presences of the Authority Having Jurisdiction, or for minor installations and repairs, the Authority Having Jurisdiction, in accordance with procedures established thereby, is permitted to make such inspection as deemed advisable in accordance with the intent of this code. Joints and connections in the plumbing system must be gastight and watertight for the pressures required by the test. ()

~~02.~~ Section 218 Definitions. Delete definition of “Plumbing System.” Incorporate definition of “Plumbing System” as set forth in Section 54-2604, Idaho Code. ()

~~**03.** Section 314.4 Excavations.~~ Add: Where unsuitable or soft material is encountered, excavate to a depth not less than two (2) pipe diameters below the pipe and replace with select backfill. Such backfill must be sand, fine gravel, or stone and must provide lateral support for the pipe. Where rock is encountered, the trench must be excavated to a minimum depth of six (6) inches (152 mm) below the bottom of the pipe. Sand must be added to provide uniform bedding and support for the pipe. The pipe may not rest on any rock at any point, including joints. ()

~~**043.** Section 401.2 Qualities of Fixtures.~~ Replace with the following: Plumbing fixtures must be constructed of dense, durable, non-absorbent materials and must have smooth, impervious surfaces, free from unnecessary concealed fouling surfaces. ()

~~**054.** Section 403.3 Exposed Pipes and Surfaces.~~ Delete. ()

~~**06.** Section 407.4 Transient Public Lavatories.~~ Self closing or self closing metering faucets may be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants, convention halls, and rest stops. Installed metered faucets must deliver a maximum of zero point two six (0.26) gallons (one point zero (1.0) liter) of water per use. ()

~~**075.** Section 408.5 Finished Curb or Threshold.~~ Delete the last sentences of the first paragraph and replace with the following: The finished floor of the receptor must slope uniformly from the sides toward the drain not less than one-eighth (1/8) inch per foot (20.8 mm/m), nor more than one-half (1/2) inch per foot (41.8 mm/m). ()

~~**086.** Section 408.7.5 Tests for Shower Receptors.~~ Delete. ()

~~**097.** Section 409.4 Limitation of Hot Water in Bathtubs and Whirlpool Bathtubs.~~ Delete. ()

108. Table 501.1(1) First Hour Rating. Delete Table 501.1(1) and replace with the following:

TABLE 501.1(1) FIRST HOUR RATING ¹											
Number of Bathrooms	1 to 1.5			2 to 2.5				3 to 3.5			
Number of Bedrooms	1	2	3	2	3	4	5	3	4	5	6
First Hour Rating, 2 Gallons	38	49	49	49	62	62	74	62	74	74	74

For SI units: one (1) gallon = 3.785 L

Notes:

1 The first hour rating is found on the “Energy Guide” label.

2 Solar water heaters must be sized to meet the appropriate first hour rating as shown in the table. ()

119. Section 503.1 Inspection of Chimneys or Vents. Add the following to the end of section 503.1: Water heating appliances using Category 3 or 4 exhaust venting must be tested in its entirety with five (5) pounds of air for fifteen (15) minutes. Plastic vents must be constructed using manufacturer’s instructions. ()

120. Section 507.2 Seismic Provisions. Delete. ()

131. Section 507.13 Installation in Garages. Replace 507.13 with the following: Any plumbing appliance or appurtenance in residential garages and in adjacent spaces that open to the garage and are not part of the living space of a dwelling unit must be installed so that burners, burner-ignition devices or other sources of ignition are located not less than eighteen (18) inches (450 mm) above the floor unless listed as flammable vapor ignition resistant. ()

12. Section 603.2 Approval of Devices or Assemblies. Delete last paragraph. ()

143. Table 603.2 Backflow Prevention Devices, Assemblies and Methods. ()

a. Delete from the table the entire row related to freeze resistant sanitary yard hydrant devices. ()

b. Delete the backflow preventer for Carbonated Beverage Dispensers text from the first column of the table and replace with the following: Backflow preventer for Carbonated Beverage Dispensers (Reduced Pressure Principle Backflow Prevention Assembly). ()

14. Section 603.4.2 Testing. Delete last sentence. ()

15. Section 603.5.7 Outlets with Hose Attachments. Delete and replace with the following: Potable water outlets with hose attachments, other than water heater drains, boiler drains, freeze resistant yard hydrants and clothes washer connections, must be protected by a nonremovable hose bibb-type backflow preventer, a nonremovable hose bibb-type vacuum breaker, or by an atmospheric vacuum breaker installed not less than six (6) inches (one hundred fifty-two (152) mm) above the highest point of usage located on the discharge side of the last valve. In climates where freezing temperatures occur, a listed self-draining frost-proof hose bibb with an integral backflow preventer or vacuum breaker must be used. ()

16. Section 603.5.12 Beverage Dispensers. Delete and replace with the following: Potable water supply to, carbonated beverage dispensers must be protected by an air gap or a Reduced Pressure Principle Backflow Prevention Assembly in accordance with ASSE 1013. For carbonated beverage dispensers, piping material installed downstream of the backflow preventer must not be affected by carbon dioxide gas. Potable water supply to beverage dispensers and coffee machines must be protected by an air gap or a vented backflow preventer in accordance with ASSE 1022. ()

17. **Section 603.5.17 Potable Water Outlets and Valves.** Delete. ()
18. **Section 603.5.21 Chemical Dispensers.** Add the following new section 603.5.21: The water supply to chemical dispensers must be protected against backflow. The chemical dispenser must comply with ASSE 1055 or the water supply must be protected by one of the following methods: ()
- a. Air gap; ()
 - b. Atmospheric vacuum breaker (AVB); ()
 - c. Pressure vacuum breaker backflow prevention assembly (PVB); ()
 - d. Spill-resistant pressure vacuum breaker (SVB); or ()
 - e. Reduced-pressure principle backflow prevention assembly (RP). ()
19. **Section 604.10.1 Tracer Wire.** Add the following exception: Where the electrical wiring for the pump is installed in the same trench as the water line, from the point of origin to the structure, a tracer wire is not required. ()
20. **Section 605.6.2 Mechanical Joints.** Add to the end of the section the following: Listed PE (polyethylene), one hundred sixty (160) psi minimum, water service and yard piping may be installed within a building (above ground and below ground) with one (1) joint, provided that only listed and approved metallic transition fittings must be used. Polyethylene (PE) plastic pipe or tubing and fitting joining methods must be installed in accordance with the manufacturer's installation instructions. ()
21. **Section 609.1 Installation.** Delete the following sentence: Building supply yard piping must be not less than twelve (12) inches (305 mm) below the average local frost depth; and replace it with the following: The cover must be not less than forty-two (42) inches (1068mm) below grade. ()
22. **Section 609.4 Testing.** Deleting the phrase "Except for plastic piping," at the beginning of the third sentence and add the following sentence at the end of the section: Plastic piping is to be tested in accordance with manufacturer's installation standards. ()
23. **Section 609.10 Water Hammer.** Does not apply to residential construction. ()
24. **Section 609.11 Pipe Insulation.** Delete. ()
25. **Table 610.3 and Appendix Table A 103.1.** Change fixture unit loading value for both public and private for bathtub or combination bath/shower, and clothes washers to two (2) fixture units. ()
26. **Section 610.2 Pressure Loss.** Add the following: All new one (1) and two (2) family residences built slab on grade or that will have a finished basement at the time of final inspection must have a pre-plumbed water softener loop. The kitchen sink must have one (1) hot soft line and one (1) cold soft line and one (1) cold hard line. Exterior cold hose bibbs intended for irrigation purposes must be piped with hard water. ()
27. **Table 611.4 Sizing of Residential Softeners.** Amend Footnote 3 to read: Over four (4) bathroom groups, softeners must be sized according to the manufacturer's standards. ()
28. **Section 612.0 Residential Sprinkler System.** Add the following to the end of the first sentence in section 612.1: and the requirements of the Authority Having Jurisdiction (AHJ). ()
29. **Table 702.1 Drainage Fixture Unit ~~Values~~ Values (DFU).** Change fixture unit loading value for clothes washers, domestic for private to two (2) fixture units. ()
30. **Section 703.1 Minimum Size.** Add the following at the end of section 703.1: No portion of the

drainage or vent system installed underground, ~~or~~ underground under concrete ~~or below a basement or cellar~~ must be less than two (2) inches in diameter. ()

31. Section 704.2 Single Vertical Drainage Pipe. Two inch (2") and smaller double sanitary tees may be used for back to back or side by side fixture trap arms without increasing the barrel size. ()

32. Section 704.3 Commercial Sinks. Delete. ()

33. Table 703.2 Maximum Unit Loading and Maximum Length of Drainage and Vent Piping. Change fixture unit loading value for one and a half (1 1/2) inch horizontal drainage to two (2) fixture units. ()

34. Section 705.5.2 Solvent Cement Joints. Add to the end of the section the following: PVC DWV may be joined by the use of one-step solvent cement listed or labeled per U.P.C. Section 301.1.1. ()

35. Section 707.4 Locations. Add the following: A clean out must be installed for double sanitary tees two (2) inches (50 mm) or less in diameter that receive the discharge from fixture connections. Exception in Section 707.4 does not apply. A full-sized accessible cleanout must be installed in the vertical immediately above the floor or at the base of each waste or soil stack. A full-size cleanout extending to or above finished grade line must be installed at the junction of the building drain and the building sewer. Cleanouts must be installed at fifty (50) foot intervals in horizontal drain lines two (2) inches or smaller. ()

36. Section 710.3(4) Sewage Ejectors and Pumps. Add: Exception (4): One (1) pump is permitted for "public use" occupancies provided that such tank receives the discharge of not more than one (1) water closet and ten (10) fixture units (See Section 710.9 Alarms). ()

37. Section 710.5 Size Building Drains and Sewers. Add the following exception: In single family dwellings, one (1) fixture unit may be allowed for each gallon per minute of flow from a pump or a sump ejector. ()

38. Section 712.1 Media. In the first sentence, delete the phrase "except that plastic pipe must not be tested with air." ()

39. Section 717.0 Size of Building Sewers. Add the following to the end of section 717.1: Exception: The building drain and building sewer is not less than four (4) inches extending from its connection with the city or private sewer system and must run full size to inside the foundation or building lines. ()

40. Section 723.0 General. Delete the following sentence: "Plastic DWV piping systems must not be tested by the air test method." ()

41. Section 801.3.3 Food Handling Fixtures. Add: Food preparation sinks, pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware-washing machines, steam kettles, potato peelers, ice cream dipper wells, and other similar equipment and fixtures must be indirectly connected to the drainage system by means of an air gap. The piping from the equipment to the receptor must not be smaller than the drain on the unit, but it must not be smaller than one (1) inch (twenty-five and four tenths (25.4) mm). ()

42. Section 805.41 General. Add to the end of the first paragraph the following: Provisions must be made for the discharge of the water softener to terminate in an approved location. The drain line for a water softener must be three-fourths (3/4) inch minimum. A washer box with a dual outlet is an approved location as long as it is on the same floor or one (1) floor below the softener unit and the water softener drain line is a minimum three-fourths (3/4) inch. ()

43. Section 807.3 Domestic Dishwashing Machines. A domestic dishwashing machine may be installed without the use of an airgap if the drain hose is looped to the bottom side of the counter top and secured properly. ()

44. Section 906.1 Roof Termination. ~~Delete the existing provision and replace with~~ **Add** the following:

~~a. Roof venting. When conventional roof venting is utilized, each vent pipe or stack must extend through its flashing and terminate vertically not less than six (6) inches (one hundred fifty two (152) mm) above the roof nor less than one (1) foot (three hundred five (305) mm) from any vertical surface.~~

b. Sidewall venting. When sidewall venting is utilized, the vent must extend flush with the eaves/gable end, turn down using a ninety (90) degree ell, and terminate as close to the roof peak as possible. The vent end must be properly screened. Sidewall venting is acceptable on new or remodel construction on cabins, log homes, and residential or commercial buildings. ()

~~c. Sidewall venting must meet the intent of Section 906.2 of the ISPC.~~ ()

45. Section 908.1 Vertical Wet Venting. Add to the end of the section the following: A horizontal wet vent may be created provided it is created in a vertical position and all other requirements of Section 908 of the ISPC are met. ()

46. Section 909.0 Special Venting for Island Fixtures. Add: Parameters for the limited use of Air Admittance Valves (A.A.V.). ()

a. An A.A.V. may be used only in residential buildings. ()

b. In remodels, an A.A.V. may be used with island fixtures or remotely located sinks such as in bar, kitchen, or laundry tray locations. An A.A.V. may not be used in bathroom groups. ()

c. In new construction, an A.A.V. may be used on island fixture sinks. ()

d. Each A.A.V. may be used to vent only one (1) floor. ()

e. Each A.A.V. must be readily accessible. ()

f. The cross-sectional area of venting must remain the same and must meet the largest required building drain. ()

g. An A.A.V. may only be installed in accordance with the manufacturer's installation standards as per ASSE 1051. ()

h. An A.A.V. may not be used in an attic, crawl space, outside installation, or in connection with chemical or acid waste systems. ()

47. Section 1002.3 Change of Direction. Trap arms may not exceed one hundred eighty (180) degrees of horizontal turn without the use of a cleanout. ()

48. Section 1007.0 Trap Seal Protection. Delete section 1007.1 and replace with the following: Floor drains or similar traps directly connected to the drainage system and subject to infrequent use must be protected with a trap seal primer or other approved trap seal protection device, except where not deemed necessary for safety or sanitation by the Authority Having Jurisdiction. Trap seal primers must be accessible for maintenance. ()

49. Section 1016.1 Discharge. Add the following to the end of section 1016.1: Floor drains installed in residential garages must be permitted to use the interceptor as the fixture trap. ()

50. Section 1502.1 General. Add to this section the following paragraph: Plumbing for a gray water system from any fixture up to, but not to include the exterior irrigation system tank must be inspected by the

Authority Having Jurisdiction. The Idaho Department of Environmental Quality (IDEQ) has jurisdiction to inspect and approve the installation of the exterior irrigation system tank and all piping therefrom to the point of disposal in accordance with IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules." Gray water system location and design criteria requirements related to irrigation and leaching is determined in accordance with the requirements as established by the IDEQ. ()

~~302601, 400999,~~

(RESERVED)

SUBCHAPTER D — CIVIL PENALTIES

(Rule 401)

401300. CIVIL PENALTIES.

~~Except for the acts described in Subsections 401.01 and 401.07 of this rule, the acts described in this section shall subject the violator to a civil penalty of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter.~~

The acts described in this section subject the violator to a civil penalty not to exceed one thousand dollars (\$1,000) for each separate count or offense. ()

01. Plumbing Contractor. ~~Except as provided by Section 54-2602, Idaho Code, any person who acts, or purports to act as a plumbing contractor, as defined by Section 54-2611(a), Idaho Code, without a valid Idaho certificate of competency authorizing him to do so shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter.~~ **Statute or Rule.** Failure to comply with any provision of Chapter 26, Title 54, Idaho Code or Board Rule. ()

02. Certification or Registration. Except as provided by Section 54-2602, Idaho Code, performing performance of plumbing ~~as defined in Section 54-2603, Idaho Code,~~ without an appropriate active certificate of competency or registration as required by Idaho Code 54-2611. ()

~~**03. Failure to Disclose.** Failure to disclose upon request any required information on an application for a plumbing registration or certificate of competency, including complete licensure history or previous licensure as a journeyman or master plumber in another jurisdiction.~~ ()

043. Performance Outside Scope of Specialty Certificate. Performance of any plumbing installation, alteration, or maintenance by a plumbing specialty contractor or specialty journeyman outside the scope of the specialty certificate of competency. ()

04. Employees. Knowing employment of a person who does not hold an active certificate of competency or registration as required by Idaho Code 54-2611 to perform plumbing. ()

05. Supervision. Working as an apprentice or specialty apprentice without the required journeyman supervision or employing an apprentice without providing the required journeyman supervision. ()

056. Fees, Permits, and Inspections. Failure to obtain a required permit, pay applicable fees, properly post a plumbing permit, or request an inspection of all pipes, fittings, valves, vents, fixtures, appliances, appurtenances, and water treatment installations or repairs. ()

067. Corrections. Failure to make corrections in the time allotted in the notice on any plumbing installation ~~as set forth in Section 54-2625, Idaho Code.~~ ()

~~**07. Gross Violation.** In the case of continued, repeated or gross violation of Title 54, Chapter 26, Idaho Code, or this chapter, disciplinary action shall be initiated against certificate holders under this chapter or the matter shall be referred for prosecution.~~ ()

08. Misrepresentation of Fees. Misrepresentation of the permit or inspection fees to the customer.

()

09. Advertising. Advertising to engage in the business, trade, practice, or work of a plumbing contractor as defined in Section 54-2611, Idaho Code, without holding a current and valid plumbing contractor certificate of competency issued by the Division or advertising without including the contractor certificate of competency number in the advertisement. Advertising includes, but is not limited to: newspaper, telephone directory, community flier ads or notices; telephone, television, radio, internet, or door-to-door solicitations.

()

10. Order. Failure to comply with any lawful order of the Board or Division administrator. ()

4020. -- 999. (RESERVED)

DRAFT

ATTACHMENT 5, TIM FROST, JANUARY 19, 2023

24.39.70 – RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to Sections 54-5001-, 54-5004, 54-5005, 54-5006, 54-5007, 54-5010, 54-5016, 67-2604, 67-2614, 67-9406 and 67-9409 and 54-5005(2), Idaho Code. ()

001. SCOPE.

The rules establish the minimum standards for heating, ventilation, and air conditioning (HVAC) installation practice, certification, registration, and educational programs. ()

~~002600. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL IDAHO MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, AND PART V (MECHANICAL) AND PART VI (FUEL GAS) OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE (1) AND TWO (2) FAMILY DWELLINGS.~~

~~Pursuant to Section 54-5001, Idaho Code, the Board adopts, as the Idaho Mechanical Code, the following international codes with identified amendments:~~ ()

01. International Mechanical Code. The 2018 Edition, including appendix “A,” ~~(herein IMC) is adopted and incorporated by reference~~ with the following amendments: ()

a. Section 109. Delete. ()

b. Section 202 Definitions. Amend the definitions provided in the code for the terms identified herein this paragraph by the following: ()

i. Add “conveyorized pizza” between the ~~words-terms~~ “standard” and “bake” in the definition of Light-duty appliances. ()

ii. Remove the following definition of “Medium-duty Cooking Appliance”: electric and gas conveyor pizza ovens. ()

02. International Fuel Gas Code. The 2018 Edition, including appendixes “A, B, C, and D,” ~~(herein IFGC) is adopted and incorporated by reference~~ with the following amendments: ()

a. Section 109. Delete. ()

b. Section 406.4. Change the last sentence to: Mechanical gauges used to measure test pressure must have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. ()

c. Section 406.4.1. Test Pressure. Not less than twenty (20) psig (140kPa gauge) test pressure is required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (70kPa gauge); not less than sixty (60) psig (420kPa gauge) test pressure is required. For systems over ten (10) psig (70kPa gauge) working pressure, minimum test pressure may be no less than six (6) times working pressure. ()

d. Section 406.4.2. The test duration may not be less than twenty (20) minutes. ()

e. Add a new section 503.4.1.2 as follows: Testing. All plastic pipe within a dwelling used for venting flue gases must be tested at five (5) psi for fifteen (15) minutes. ()

f. Section 505.1.1. Addition. An interlock between the cooking appliance and the exhaust hood

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system is not ~~be~~ required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems. ()

03. ~~Part V (Mechanical) and Part VI (Fuel Gas) of the International Residential Code for One (1) and Two (2) Family Dwellings.~~ The 2018 Edition, Part V (Mechanical) and Part VI (Fuel Gas) and appendices including appendices “A, B, C, and D,” ~~(herein IRC) is adopted and incorporated by reference for one (1)- and two (2)- family dwellings~~ with the following amendments: ()

a. Add ~~the following as new~~ section M1203.1: Carbon monoxide alarms. Where work requiring a permit occurs in existing dwellings, an approved carbon monoxide alarm must be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units where a fuel fired appliance is installed. ()

b. Section M1401.3. Add “in new, one- and two-family dwellings” between “appliances” and “shall”. ()

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c. Delete Section M1502.4.2 Duct Installation and replace with the following: Exhaust ducts must be supported at four (4) foot (1,219 mm) intervals and secured in place. The insert end of the duct must extend into the adjoining duct or fitting in the direction of airflow. Ducts must not be joined with screws or similar fasteners that protrude into the inside of the duct. ()

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d. Section M1601.1. Add “in new, one- and two-family dwellings” between “equipment” and “shall”. ()

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ee. Section G2417.4 (406.4). Change the last sentence to: Mechanical gauges used to measure test pressure must have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. ()

ff. Section G2417.4.1 (406.4.1). Test Pressure. Not less than twenty (20) psig (one hundred forty (140) kPa gauge) test pressure is required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (seventy (70) kPa gauge), not less than sixty (60) psig (four hundred twenty (420) kPa gauge) test pressure is required. For systems over ten (10) psig (seventy (70) kPa gauge) working pressure, minimum test pressure may be no less than six (6) times working pressure. ()

gg. Section G2417.4.2 (406.4.2). The test duration may not be less than twenty (20) minutes. ()

hh. Add a new section G2427.4.1.2 as follows: Testing. All plastic pipe within a dwelling used for venting flue gases must be tested at five (5) psi for fifteen (15) minutes. ()

003. ~~CHANGES IN NAME AND ADDRESS.~~

~~Whenever a change of name or mailing address occurs for a certified contractor, journeyman, specialty journeyman, specialty contractor, registered apprentice, or specialty apprentice, the Board must be notified immediately, in writing, of the change. Documentation confirming the change of name must be provided to the Board on request.~~ ()

004. ~~DEFINITIONS.~~

~~Terms defined in Section 54-5003, Idaho Code, will have the same meaning when utilized in these rules.~~ ()

~~**01. ~~Recognized Jurisdiction.~~** A jurisdiction with an HVAC program that is recognized by the Board as being substantially equivalent to Idaho’s HVAC program. ()~~

005100. CERTIFICATES OF COMPETENCY AND REGISTRATION ~~ISSUANCE, RENEWAL, EXPIRATION -- REVIVAL.~~

~~**01. ~~Issuance.~~** Certificates of competency will be issued in such a manner as to create a renewal date that coincides with the birth month of the individual to whom the certificate is issued and allows for renewals every~~

three (3) years. Certificates of competency are issued for a period of no less than one (1) year and no more than (3) three years. The fee for issuance of certificates of competency will be prorated based on the number of months for which the certificate is issued. ()

~~02. **Renewal.** Certificates of competency will be renewed using the birth month of the individual to whom the certificate is issued as the expiration date. Certificates of competency are renewed for a period of no less than one (1) year and no more than three (3) years. The fee for renewal of certificates of competency will be prorated based on the number of months for which the certificate is issued. ()~~

~~03. **Expiration-Revival.** Revived certificates will be issued in such a manner as to create a renewal date that coincides with the birth month of the applicant so as to create a staggered system of renewal. ()~~

006. — 010. — (Reserved)

~~011. **HVAC-03, Contractor And Specialty Contractor Certificate Of Competency—Requirements.** An applicant must successfully pass an examination designated by the Board and~~

~~01. **Bond.** Applicants must provide a compliance bond in the amount of two thousand dollars (\$2,000) which is. Any such bond is required to be effective for the duration of the contractor licensing certificate period. The specialty contractor's scope of work is limited as set forth in Rule 100.04.a. ()~~

~~02. **Qualification.** Applicants must provide proof, satisfactory to the Board, of having legally acted as an HVAC journeyman or HVAC Specialty for a period of not less than twenty-four (24) months. ()~~

~~a. An applicant for a contractor or specialty contractor certificate of competency shall first obtain an Idaho journeyman or specialty journeyman certificate of competency in accordance with these rules. ()~~

~~b. An applicant for a contractor certificate of competency who has never been previously licensed as a journeyman or specialty journeyman in a Recognized Jurisdiction shall provide proof of four (4) years of experience performing HVAC work of a nature equivalent to that which an HVAC journeyman or specialty journeyman in Idaho must demonstrate to qualify for a contractor certificate of competency. Proof of such work experience may be provided by the submission of three (3) sworn affidavits from individuals attesting that the applicant has had at least four (4) years' experience performing such work. ()~~

~~03. **Examination.** Applicants for certification as HVAC contractors must successfully complete the examination designated by the Board. ()~~

~~01202. **HVAC Journeyman Certificates Of Competency And Examination Requirements.**~~

~~01. **Certificate of Competency Requirements.** To obtain a journeyman certificate of competency, aAn applicant must pass an examination designated by the Board and either (a) shall submit to the Division sufficient evidence demonstrating the applicant has successfully completed the journeyman examination and four (4) years, defined as evidence of a minimum of eight thousand (8,000) hours of work experience as a registeredan apprentice making HVAC installations in accordance with the requirements of the jurisdiction in which the applicant obtained the experience and satisfactory completion of a board-approved course of instruction, or (b) submit proof of sixteen thousand (16,000) hours of HVAC experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience on the job under the supervision of a qualified journeyman. Notwithstanding the requirement that an apprentice demonstrate four (4) years of on the job work experience under the supervision of a qualified journeyman, any apprentice who successfully completes a Board approved, full time, one (1) academic year training course may receive credit for up to one (1) year of on the job work experience.~~

~~a. **Examination.** An applicant may sit for the exam after showing proof of completion of either the board-approved course of instruction or 16,000 hours of HVAC experience. ()~~

~~b. **Educational Lab Work.** Time spent by an applicant performing lab work in a board-approved course of instruction may be credited toward the eight thousand (8,000) hour work experience requirement. ()~~

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~~02. Examination Requirement. To take the journeyman examination, an applicant must submit to the Division sufficient evidence demonstrating the applicant has successfully completed a Board approved training course. ()~~

~~a. An applicant may provide proof of eight (8) years, defined as a minimum of sixteen thousand (16,000) hours of HVAC work experience in lieu of successfully completed a Board approved training course. ()~~

~~**01304. HVAC Hearth Specialty Journeyman Certificates Of Competency LIMITATIONS: REQUIREMENTS.** An applicant must submit evidence of a minimum of two thousand (2,000) hours of specialty-related experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience, and either (a) pass an examination designated by the Board, or (b) submit evidence of satisfactory completion of a minimum of sixty (60) hours of education in fuel gas code and piping installation methods. ()~~

~~a. Permitted Scope of Work. Permitted to install hearth appliances, and non-duct connected oil furnaces, the associated fuel gas piping, and venting dedicated exclusively thereto. Does not include any plumbing, electrical or duct work. ()~~

~~Certification as a hearth specialty journeyman entitles the holder to install hearth appliances and the associated gas lines. Hearth Specialty Journeymen are required to meet the experience requirement and either the education or examination requirement to receive a certificate of competency. ()~~

~~01. Experience. Demonstrate, to the satisfaction of the board, a minimum of one (1) year experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installations on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. ()~~

~~02. Education. Successfully complete a board approved training course(s), such as the National Fireplace Institute program and a minimum of sixty (60) hours of education in fuel gas code and piping installation methods. ()~~

~~03. Examination. Successfully complete an examination designated by the board. ()~~

~~**01401. HVAC Apprentice And Specialty Apprentice Requirements For Registration and Renewal.** To register or renew an apprentice or specialty apprentice registration. ()~~

~~01. Registration. To become an apprentice, a person shall comply with Section 54-5012(4), Idaho Code. A specialty apprentice's scope of work is limited as set forth in Rule 100.04.a. ()~~

~~02. Supervision. Each apprentice or specialty apprentice must work under the supervision of a certified HVAC journeyman or HVAC Specialty Journeyman. ()~~

~~03. Renewal. An apprentice shall show proof of enrollment in a Board approved training course or completion of eight (8) hours of Board approved continuing education for each year of the prior registration period. ()~~

~~**015. HVAC WASTE OIL HEATING SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS: REQUIREMENTS.**~~

~~Certification as a waste oil heating specialty journeyman entitles the holder to install non-duct connected waste oil heaters. Waste oil heating specialty journeymen are limited to the maintenance, installation, and repair of the equipment, controls, and piping directly associated with the waste oil heater, tank, and burner only. Any plumbing, electrical, ducting, venting, or associated equipment beyond the waste oil heater, tank, and burner must be installed by others. Applicants for the waste oil heating specialty journeyman certificate of competency must: ()~~

~~01. Experience. Demonstrate to the satisfaction of the board, a minimum of one (1) year experience~~

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making waste oil heating installations under the supervision of a qualified HVAC journeyman or HVAC Waste Oil Heating specialty journeyman. ()

~~02. Examination. Successfully complete a waste oil burner manufacturers certification or examination as approved by the board. ()~~

016. HVAC FUEL GAS PIPING SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY LIMITATIONS: REQUIREMENTS.

Certification as fuel gas piping specialty journeyman entitles the holder to install fuel gas piping only and does not make the final termination. Appliances and the associated gas piping, chimney, and vents must be installed by others. Fuel gas specialty journeymen are required to meet the experience requirement and either the education or examination requirement to receive a certificate of competency. ()

~~01. Experience. Demonstrate, to the satisfaction of the board, a minimum of one (1) year experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installations on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. ()~~

~~02. Education. Successfully complete a board approved training course(s), of a minimum of sixty (60) hours of education in fuel gas code and piping installation methods. ()~~

~~03. Examination. Successfully complete an examination designated by the board. ()~~

~~017. -- 049. (RESERVED)~~

050500. HVAC PERMITS AND INSPECTIONS.

01. Permits.

~~a. HVAC Contractors and HVAC Specialty Contractors. The Division Permits will be furnished permits to certified a HVAC contractors and HVAC specialty contractors upon request submission of a complete application and proper permit fee. For commercial or industrial HVAC work, a verified copy of bid acceptance must be submitted with the application. Permit The serial numbers of such permits must be registered in the name of the HVAC contractor or HVAC specialty contractor to whom they are issued and are transferable only as provided herein these rules. ()~~

~~02b. Home Owners. Home owners or a contract purchaser of residential property, making HVAC installations on their own residences, coming premises under the provisions of Section 54-5002(1)(a), Idaho Code, must secure an HVAC permit by making application to the Division as provided in by Section 54-5016, Idaho Code. ()~~

~~c. Expiration. Every permit issued shall expire and become null and void after three hundred sixty-five (365) days from the purchase date or last inspection. A permit may be renewed for an additional year upon receipt of Division approval and payment of a sixty-five dollar (\$65) renewal fee. ()~~

~~03d. Transferring a Permit. A HVAC permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself as well as assignment and assigning of all the responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the HVAC work is to be performed and for which the permit was issued, or for such owner's designated legal agent, in cases where the property owner has terminated their his legal relationship with the HVAC contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of a permit will be assessed by must be paid to the Division. ()~~

02051. HVAC Permit Fee Schedule.

~~Permit fees are to cover the cost of inspections as provided by Section 54-5017, Idaho Code. Any person;~~

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partnership, company, firm, association, or corporation making an installation must pay to the Division a permit fee as provided in the following schedule: ()

01a. Residential. Includes all buildings with HVAC systems being installed on each property. The following permit fees apply to all residential single and duplex installations:

Type	Fee
Base permit	\$100
Furnace, furnace-air conditioner combination, heat pump, air conditioner, evaporative cooler, unit heater, space heater, decorative gas-fired appliance, incinerator, boiler, pool heater, mini-split system, free-standing solid-fuel stove, factory-built gas fireplace, or similar fixture or appliance, including ducts, vents, and flues attached thereto	Plus \$30 per first fixture or appliance Plus \$15 per additional fixture or appliance
Exhaust duct or ventilation duct, including dryer vents, range hood vents, cook stove vents, bath fan vents, and similar exhaust ducts or ventilation ducts	Plus \$15 per first duct Plus \$5 per additional duct
Fuel gas piping system	Plus \$5 per appliance outlet
Hydronic systems	Plus \$5 per zone

()

02b. Miscellaneous. The following permit fees apply for the types of permits listed:

Type	Fee
Requested inspection	\$65 per hour or portion thereof plus costs of out-of-state travel
Mobile or manufactured home	\$65 per inspection
Modular building	
Plan check or technical service	\$65 per hour or portion thereof

()

03c. Other Installations Including Multifamily, Industrial and Commercial. The permit fees listed in this Subsection apply to installations not specifically mentioned elsewhere in this schedule. The HVAC system cost is the cost to the owner of labor charges and other costs incurred to complete the installation of equipment and materials installed as part of the HVAC system. All permit fees calculated under this Subsection are based on the total HVAC system cost, which must be listed on the permit.

HVAC System Cost	Fee
Up to \$10,000	\$60 plus 2% of HVAC system cost
\$10,000 to \$100,000	\$260 plus 1% of HVAC system cost exceeding \$10,000

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Over \$100,000	\$1,160 plus 5% of HVAC system cost exceeding \$100,000
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05203. Required Inspections.

01a. Inspection Tags. Inspectors certify to the permit holder that an inspection ~~has been done~~ was completed by securely attaching the inspection tag in a prominent location. ()

ab. Final Inspection Tags. An inspection tag indicating that a final inspection ~~has been~~ was performed is attached when the HVAC installation as specified on the permit is complete and conforms to the requirements of the code and rules. ()

bc. Inspection Tags for Unacceptable HVAC Installations. “Notice of Correction” inspection tags are attached to indicate that the HVAC installation is not acceptable and that corrections are required. A reinspection and reinspection fee for such installations shall be required. ()

ed. Work-in-Progress Tag. An inspection tag indicating ~~that~~ a work-in-progress inspection ~~has been~~ was performed is attached following inspection of ground-work, rough-in work, or any portion of the installation that is to be covered or otherwise concealed before completion of the entire HVAC installation as specified on the permit. ()

053300. CIVIL PENALTIES.

~~Except for the acts described in Subsections 053.01 and 053.08 of these rules, the acts described in this section subject the violator to a civil penalty of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter within one (1) year of an earlier violation. The acts described in this section subject the violator to a civil penalty not to exceed one thousand dollars (\$1,000) for each separate count or offense.~~ ()

01. Statute or Rule. Failure to comply with any provision of Chapter 50, Title 54, Idaho Code or Board Rule. ()

Heating, Ventilation, and Air Conditioning Contractor or Specialty Contractor. Except as provided by Section 54-5001, Idaho Code, any person who acts, or purports to act, as an HVAC contractor or specialty contractor as defined by Section 54-5003(3) and 54-5003(6), Idaho Code, without a valid Idaho state HVAC contractor or specialty contractor certification is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter within one (1) year of an earlier violation. ()

02. Knowingly Employing. Knowingly employing a person who does not hold a valid Idaho HVAC certification or apprentice registration, as required by Section 54-5008, Idaho Code, to perform HVAC installations. ()

03.02 Certification or Registration. Except as provided by Section 54-~~5001~~5002, Idaho Code, performing performance of HVAC work as an HVAC journeyman as defined by Section 54-5003(4), Idaho Code; specialty journeyman as defined by Section 54-5003(7), Idaho Code; apprentice as defined by Section 54-5003(2), Idaho Code; or specialty apprentice as defined by Section 54-5003(5), Idaho Code, without a ~~valid~~ active certification ~~certificate of competency~~ or registration as required by Idaho Code 54-5008. ()

0405. Supervision. Working as an HVAC apprentice or specialty apprentice without the required journeyman supervision or employing an apprentice or specialty apprentice without providing the required journeyman supervision. ()

0503. Performance Outside Scope of Specialty License. Performance of any HVAC installation, ()

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alteration, or maintenance by ~~an HVAC~~ specialty contractor or specialty journeyman outside the scope of the specialty certificate of competency~~certification~~. ()

04. Employees. Knowing employment of a person who does not hold an active certificate of competency or registration as required by Idaho Code 54-5008 and 54-5009 to perform HVAC work.

06. Fees, and Permits, and Inspections. Failure to obtain a required permit, Failing to pay applicable fees, or properly post an HVAC permit for, or to request an inspection of, any installation, alteration, improvement, or extension of any piping, venting, ductwork, appliances and appurtenances in connection with any HVAC system or subsystems of such. ()

07. Corrections. Failure to make corrections in the time allotted in the notice on any HVAC installation as set forth in Section 54-5019, Idaho Code. ()

08. Misrepresentation of Fees. Misrepresentation of the permit or inspection fees to the customer. ()

09. Advertising. Advertising to engage in the business, trade, practice, or work of a HVAC contractor as defined in Section 54-5009, Idaho Code, without holding a current and valid HVAC contractor certificate of competency issued by the Division or advertising without including the contractor certificate of competency number in the advertisement. Advertising includes, but is not limited to: newspaper, telephone directory, community flier ads or notices; telephone, television, radio, internet, or door-to-door solicitations. ()

10. Order. Failure to comply with any lawful order of the Board or Division administrator. ()

08. Gross Violation. In the case of continued, repeated, or gross violation of Title 54, Chapter 50, Idaho Code, or these rules, a certification revocation will be initiated for certificated individuals under this chapter and non-certificated individuals is subject to prosecution by the appropriate jurisdiction under Idaho law. ()

054. -- 999. (RESERVED)

ATTACHMENT 6, TIM FROST, JANUARY 19, 2023

24.39.10 – RULES OF THE IDAHO ELECTRICAL BOARD

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to ~~Title 54, Chapter 10, Idaho Code, Title 67, Chapter 26, Idaho Code, and Title 67, Chapter 94, Idaho Code~~ Sections 54-1001, 54-1005, 54-1006, 54-1007, 54-1009, 54-1018, 67-2604, 67-2614, 67-9406 and 67-9409, Idaho Code. ()

001. SCOPE.

The rules ~~include criteria for the use of electrical permits for electrical installations, inspections, fees for licenses, continuing education, adoption of the National Electrical Code, and civil penalties~~ prescribe criteria and fees for issuance of licenses, electrical permits, and inspections of electrical installations, civil penalties, and adoption and amendment of the National Electrical Code. ()

002. ~~INCORPORATION BY REFERENCE.~~

The National Electrical Code, 2017 Edition, is ~~incorporated by reference into these rules as further specified in Section 250.~~ ()

002003. DEFINITIONS.

01. **Associated Buildings.** All buildings, structures, and fixtures used for domestic purposes and in connection with the primary or secondary residence, such as garages, sheds, barns, or shops. ()

02. **Person.** Includes an individual, company, firm, partnership, corporation, association or other organization. ()

~~03. **Recognized License.** A license from another jurisdiction that is recognized by the Board as requiring qualifications at least equal to the qualifications for a license contained in Title 54, Chapter 10, Idaho Code, and these rules.~~ ()

004. ~~010.~~ ~~(RESERVED)~~

SUBCHAPTER A – ELECTRICAL PERMITS AND INSPECTIONS

(Rules 011 through 049)

003011500. PERMITS AND INSPECTIONS.

Electrical permits shall be used only for the electrical installations identified in the permit application and for which said permit holder shall assume full responsibility.

01. Permits and Inspections ()

01b. **Completion of Installation.** For ~~Each~~ installation made by a permit holder and coming under the provisions of Section 54-1001, Idaho Code, said permit holder or his authorized representative shall request a final inspection from the Division. ()

02a. **Permits and Inspections.** All electrical permits shall be purchased before work is commenced. Where the total cost of installation is unknown, the minimum permit fee as listed in the fee schedule of these rules applies. In all cases, Payment of the total permit fee shall be made prior to a final inspection. ()

a. ~~Permit holders with outstanding fines, violations, or unpaid permit fees recorded with the Division will not be allowed to purchase further electrical permits unless and until all outstanding fees due have been paid in full.~~ ()

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abi. No wiring or equipment may be concealed in any manner from access or sight until the work has been inspected and approved for cover by the electrical inspector except for those installations pursuant to Section 54-1005(3), Idaho Code. ()

~~03. Power Supply Company.~~ Pursuant to Section 54-1005, Idaho Code, a power supply company may connect and energize an electrical installation made by an electrical contractor without delay and before the installation has passed inspection if the contractor submits to the power supply company a copy of an electrical permit purchased by the contractor and the power supply company deems the connection and energization necessary to preserve life or property. The contractor shall request that the Division conduct an inspection on the next business day. ()

RULE 200.04.012, Connecting and Energizing Prior to Inspections. At the request of a licensed electrical contractor and upon receipt of a copy of an electrical permit, a power supply company may connect and energize an electrical service, to the line side of the service disconnect, prior to a passed inspection in the following situations; to preserve life or property or to provide temporary service for construction. Any contractor energizing an electrical installation prior to an inspection assumes full responsibility for the installation. ()

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~~013. -- 049. (RESERVED)~~

SUBCHAPTER B -- FEES FOR ELECTRICAL PERMITS AND INSPECTIONS

(Rules 050 through 099)

~~00405002.~~ **Fee schedule.**
The type of permit a person may purchase is limited to the scope of work for which the person is licensed. ()

~~01. Temporary Construction Service (Temporary Power) Permit.~~ To be installed for construction purposes only, for a period not to exceed one (1) year: ()

~~a. Two hundred (200) amp or less, one (1) location: sixty-five dollars (\$65).~~ ()

~~b. All others to be calculated using Subsection 050.06, Other Installation (Including Industrial and Commercial) Permit, of these rules.~~ ()

021a. New Residential Permits. Includes associated buildings with wiring being constructed on each property.

a. New residential construction permits, including multi-family dwellings:

New – One-Family Dwellings		
Up to 1,500 square feet of living space	-	\$130
1,501 to 2,500 square feet of living space	-	\$195
2,501 to 3,500 square feet of living space	-	\$260
3,501 to 4,500 square feet of living space	-	\$325
Over 4,500 square feet of living space	-	\$325 plus \$65 for each additional 1,000 square feet or portion thereof
New – Two- and Multi-Family Dwellings		
Two-family dwellings	-	\$260

Multi-family dwellings

\$130 per building plus \$65 per unit

()

ba. Existing Dwelling Unit Permit: sixty-five dollars (\$65) ~~per inspection~~ plus ten dollars (\$10) for each additional branch circuit up to the maximum of the corresponding square footage of the dwelling unit. ()

~~b. Residential Dwelling unit spa, hot tub, hydro-massage tub, and swimming pool permit: sixty-five dollars (\$65) for each trip to inspect. (For all other installations of spas, hot tubs, hydro-massage tubs, and swimming pools, use Subsection 050.06, Other Installation (including Industrial and Commercial) Permit, of these rules.) ()~~

~~03. Residential Space Heating and Air Conditioning. When not part of a new residential construction permit, or heat/ventilating/air conditioning permit with no additional wiring: sixty-five dollars (\$65): ()~~

~~04. Domestic Water Pump Permit. See Subsection 050.06 Pump (Water, Domestic Water, Irrigation, Sewage) Each Motor Permit, of these rules. ()~~

~~05. Mobile/Manufactured Home Permit. Sixty-five dollars (\$65) basic fee plus ten dollars (\$10) for each additional circuit. Mobile home and RV parks for distribution wiring including pedestal, service conductors and lot supply to individual units come under Subsection 050.06, Other Installation (Including Industrial and Commercial) Permit, of these rules. ()~~

02b06. Other Installation (Including Industrial and Commercial) Permit. The permit fees listed in this section apply to any and all installations not specifically mentioned elsewhere in this schedule. The electrical cost shall be the cost to the owner of all labor charges and all other costs that are incurred to complete the installation of all wiring and equipment installed as part of the system. ~~F~~ Factory assembled industrial machinery to be operated by electrical energy shall not be included in calculating these fees. ()

ei. Wiring cost not exceeding ten thousand dollars (\$10,000): sixty dollars (\$60) plus two percent (2%) of total wiring cost. ()

bii. Wiring cost over ten thousand dollars (\$10,000) but not exceeding one hundred thousand dollars (\$100,000): two hundred sixty dollars (\$260) plus one percent (1%) of wiring cost in excess of ten thousand dollars (\$10,000). ()

eiii. Wiring cost over one hundred thousand dollars (\$100,000): one thousand one hundred sixty dollars (\$1,160) plus one-half of one percent (.5%) of the portion of wiring costs exceeding one hundred thousand dollars (\$100,000). ()

~~d. All fees calculated under this schedule must be calculated on the total wiring cost of the job, and this figure will be shown on the permit. The permit fees listed in this Subsection apply to all installations not specifically mentioned elsewhere in this schedule. The wiring cost shall be the cost to the owner of all labor charges and all wiring materials and equipment installed as part of the wiring system. When labor is performed by the owner, such labor cost shall be based upon the market value of said labor. For all owner-supplied, factory-assembled electrical infrastructural equipment to be installed, the inspection will be based on one-half of one percent (.5%) of total cost of the equipment OR an hourly rate of one hundred thirty dollars (\$130) for the first hour of each inspection and sixty-five dollars (\$65) for each subsequent hour. Factory assembled machinery to be operated by electrical energy will not be included when calculating these fees. ()~~

~~deiv.~~ Small work not exceeding five hundred dollars (\$500) in cost and not involving a change in service connections: ten dollars (\$10). ()

~~07. Pump (Water, Domestic Water, Irrigation, Sewage) -- Each Motor Permit.~~

To 25 HP	-	\$65
26 to 200 HP	-	\$95
Over 200 HP	-	\$130
For phase inverters and roto-phase equipment, use Subsection 050.06, in addition to the pump motor fee.		

~~08. Electrically-Driven Irrigation Machine Permit. Center Pivot: sixty-five dollars (\$65) plus ten dollars (\$10) per tower or drive motor. Other types: sixty-five dollars (\$65) plus ten dollars (\$10) per motor. (Note: No additional fee required for underground feeder).~~ ()

~~09. Electric Sign and Outline Lighting Permit. Electric signs: sixty-five dollars (\$65) per sign; Outline lighting: sixty-five dollars (\$65) per each occupancy.~~ ()

~~0340. Requested Inspection Permit. A base fee of sixty-five dollars (\$65) fee per inspection plus an additional sixty-five dollars (\$65) for each hour, or portion thereof, in excess of one (1) hour including travel time. Out-of-state travel expenses shall be paid by the requesting party.~~ ()

~~0411. Additional Fees and Reinspection Fees. A base fee of sixty-five dollars (\$65) plus an additional sixty-five dollars (\$65) for each additional hour, or portion thereof, in excess of one (1) hour including travel time, shall also per reinspection fee will be paid-assessed for work not being ready for inspection, inaccurate description of jobsite locations or directions, or failure to respond to notice of correction before the approval of the installation if the following services and trips to inspect are necessary:~~ ()

~~a. Permit holder had given notice to the inspector that the work is ready for inspection when it was not.~~ ()

~~b. Permit holder has not clearly or correctly given the location of the installation either by directions, maps, coordinates, or correct address and posting a copy of the permit at the service or other conspicuous location on the property or the inspector cannot gain access to make the inspection.~~ ()

~~c. Corrections required by the inspector as a result of the submitter permit holder improperly responding to a corrective notice.~~ ()

~~d. Removing a red tag from the jobsite.~~ ()

~~e. Reinspection because corrections have not been made in the prescribed time, unless an extension has been requested and granted.~~ ()

~~12. No Permit. Failure to purchase a permit before work is commenced, may result in the imposition of a double permit fee.~~ ()

~~05. Virtual Inspection Request. Forty-five dollar (\$45) fee for Contractors and Specialty Contractors requesting a virtual inspection of qualified installations.~~

~~0613. Plan Check Fee. Sixty-five dollars (\$65) minimum for one (1) hour or less. Over one (1) hour: sixty-five dollars (\$65) plus sixty-five dollars (\$65) for each hour, or portion thereof, in excess of one (1) hour.~~ ()

~~14. Fees for Temporary Amusement/Industry Electrical Inspections. Each time a ride, concession, or generator is set up: sixty-five dollars (\$65) base fee plus ten dollars (\$10) for each ride, concession, or generator.~~

0715c. Expiration of Permits. Every permit issued shall expire by limitation and become null and void after three hundred sixty-five (365) days from the purchase date. A permit may be renewed for an additional year upon receipt of Division approval and sixty-five dollars (\$65) renewal fee. ()

0816d. Transferring a Permit. A permit may be transferred to another eligible party if such party provides to the Division written authorization signed and notarized by the original permit holder consenting to the transfer itself and assignment of all the responsibilities and conditions incorporated into the original permit issuance. A permit may be transferred to the owner of the property on which the electrical work is to be performed and for which the permit was issued, or such owner's designated legal agent, in cases where such owner has terminated his legal relationship with the electrical contractor who originally obtained the permit. An administrative fee in the amount of forty-five dollars (\$45) for the transfer of the permit shall be assessed by the Division. ()

17. Refunds of Permits. The administrator of the Division may authorize a refund for any permit fee paid on the following bases: ()

a. The administrator may authorize a refund of the entire permit fee paid when no work has been performed related to the installations or electrical work covered by a permit issued by the Division. A lesser amount up to fifty percent (50%) of the permit fee amount may be refunded if work has commenced and the project is less than fifty percent (50%) complete as determined by the Division; and ()

b. The administrator cannot authorize a refund of any permit fee paid except upon written application for such filed by the original permit holder or the property owner's representative not less than one hundred eighty (180) days after the date the permit was issued. ()

051. — 099. (Reserved)

SUBCHAPTER AC — ELECTRICAL LICENSING AND REGISTRATION

(Rules 100 through 149)

100. — LICENSURE HISTORY.

An applicant for any registration or license who has previously obtained a Recognized License as a journeyman, master, or limited installer shall upon application to the Division disclose such license and provide sufficient proof thereof. ()

101. — APPLICATIONS.

01. — Application Form. Each applicant shall properly complete and submit the applicable form, giving all pertinent information and obtaining notarization of all signatures. ()

02. — Examination and Licensure Approval. The Division must approve each application before examination and licensure. An applicant who does not take the applicable examination within ninety (90) days of the date of approval must reapply. ()

03. — License. An applicant who does not purchase a license within ninety (90) days of successful completion of the applicable examination must reapply and obtain approval again. Applicants who have taken and passed the applicable exam within three hundred sixty-five (365) days of purchasing a license will not be required to be re-examined. ()

04. — License or Registration Period. The license or registration period set forth in Section 54-1008, Idaho Code, for each license or registration shall begin upon satisfaction of the applicable fee provided in Section 54-1013, Idaho Code. ()

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100. LICENSURE AND REGISTRATION

~~101205. JOURNEYMAN AND MASTER ELECTRICIAN CONTINUING EDUCATION~~ Continuing Education.

~~a. Continuing education includes To renew, journeymen and master electricians must provide proof of completion, during the prior three-year license cycle, of twenty-four (24) hours of continuing education instruction consisting of eight (8) hours of code update covering changes included in the latest edition of the National Electrical Code. The remaining and sixteen (16) hours may consist of any combination of code-update training, code-related training, or industry-related training. Journeymen and master electricians shall complete continuing education instruction in every three (3) year period between renewals of such licenses.~~

~~01. Registration Requirements. To become an apprentice or limited electrical trainee, a person shall comply with Section 54-1010(3) or 54-1010(4), Idaho Code. Each apprentice or limited electrical trainee shall carry a current Registration Certificate while performing electrical work and present the Registration Certificate upon request for examination.~~

~~02. Renewal Requirements. To renew a registration, the registrant shall submit evidence demonstrating the registrant has successfully completed one (1) of the following during the prior registration period:~~

~~102. APPRENTICE CONTINUATION TRAINING.~~

~~An apprentice who has completed the number of instructional hours and has not taken or passed the journeyman's examination within two (2) years of completion of the instructional training hours shall complete continuation training, defined as eight (8) hours of NFPA 70E training and sixteen (16) hours of code update training, code-related training, or industry-related training.~~

~~a. At least twenty four (24) hours of a Board approved sequence of instruction.~~

~~b. Continuation training, defined as eight (8) hours of NFPA 70E training and sixteen (16) hours of code update training, code-related training, or industry-related training.~~

~~c. There are no renewal requirements for limited electrical trainees.~~

~~b. To renew, an apprentice who has completed the education (if applicable) and experience requirements but has not passed the journeyman examination within two (2) years after completion of the education (if applicable) and experience requirements must provide proof of completion of twenty-four (24) hours of continuing education instruction consisting of eight (8) hours of NFPA 70E training and sixteen (16) hours of code update training, code-related training, or industry-related training.~~

103. EXAMINATION AND LICENSE.

01. Journeyman. An applicant must pass an examination designated by the Board and either (a) submit evidence of a minimum of eight thousand (8,000) hours of work experience as an apprentice making electrical installations in accordance with the requirements of the jurisdiction in which the applicant obtained the experience and satisfactory completion of a four-year sequence of instruction approved by the Idaho Division of Career-Technical Education, or (b) submit proof of sixteen thousand (16,000) hours of electrical experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience.

a. Examination. An applicant may sit for the exam after showing proof of completion of either the approved 4-year sequence of instruction or 16,000 hours of electrical experience.

b. Provisional Journeyman License. A provisional journeyman license can be issued to an applicant who has completed the 16,000 hours of electrical experience but has not yet passed the examination.

c. Work experience in appliance repair, motor winding, or communications will not count towards the requirements to take the journeyman examination or obtain a provisional journeyman or journeyman license.

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~~d. No more than two thousand (2,000) hours of work experience gained while engaged in the practice of a limited electrical installer or trainee may be counted toward the satisfaction of the experience requirements for journeyman licensure.~~

~~02. Master. A master electrician does not need to also hold a journeyman license.~~ ()

~~03. Limited Electrical Installer. An applicant must submit evidence of a minimum of four thousand (4,000) hours of work experience in the same limited category in accordance with the requirements of the jurisdiction in which the applicant obtained the experience.~~ ()

~~Examination Requirements. To take the journeyman examination, an applicant will submit evidence demonstrating the completion of one (1) of the following:~~ ()

~~a. Four (4) years of a sequence of instruction approved by the Board and the Idaho Division of Career Technical Education and three (3) years, defined as a minimum of six thousand (6,000) hours, of work experience under the constant on-the-job supervision and training of a journeyman electrician.~~ ()

~~b. Eight (8) years, defined as a minimum of sixteen thousand (16,000) hours, of work experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. Verification of work experience shall consist of a notarized letter from each employer with which the applicant obtained the experience.~~ ()

~~02. License Requirements.~~ ()

~~a. To obtain a provisional journeyman license, an applicant will submit to the Division evidence demonstrating the applicant has successfully completed eight (8) years, defined as a minimum of sixteen thousand (16,000) hours, of work experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. Verification of work experience shall consist of a notarized letter from each employer or the employer's Master or Journeyman electrician with which the applicant obtained the experience. If signed by a Master or Journeyman electrician, proof of concurrent employment is required.~~ ()

~~b. To obtain a journeyman license, an applicant will submit evidence demonstrating they passed the journeyman examination; and~~ ()

~~i. Four (4) years, defined as a minimum of eight thousand (8,000) hours, of work experience under the constant on-the-job supervision and training of a journeyman electrician; or~~ ()

~~ii. Eight (8) years, defined as a minimum of sixteen thousand (16,000) hours, of work experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience.~~ ()

~~c. To obtain a journeyman license, an applicant with a Recognized License shall comply with Section 54-1007(5), Idaho Code, and submit evidence demonstrating:~~ ()

~~i. The applicant's Recognized License is current, active, and in good standing; and~~ ()

~~ii. The applicant obtained the Recognized License by testing from the issuing jurisdiction.~~ ()

~~03. Unacceptable Work Experience. The Division will not accept work experience in appliance repair, motor winding, or communications to meet the requirements to take the journeyman examination or obtain a provisional journeyman or journeyman license.~~ ()

~~104. LIMITED ELECTRICAL INSTALLER.~~

~~To qualify for testing as a limited electrical installer an applicant shall be required to work not less than two (2) years, defined as a minimum of four thousand (4,000) hours of work experience, under the constant on-the-job~~

supervision of a limited electrical installer in of the same limited category, or show equivalent requirements have been met in compliance with the requirements of the state in which the experience was received. ~~Two thousand (2,000) hours of work Experience gained while engaged in the practice of a limited electrical installer or trainee may not be considered towards the satisfaction of the minimum experience requirements for licensing as a journeyman electrician.~~ ()

105. MASTER ELECTRICIAN.

An applicant for a master license must have at least four (4) years' experience as a licensed journeyman as provided in Section 54-1007, Idaho Code. Upon approval, the applicant may apply to take the examination. Upon passing the examination, the applicant must remit the required fee for the issuance of a master license. A person holding a current master license is not be required to hold a journeyman license. ()

106. 04. Electrical Contractor And Limited Electrical Contractors. Applicant or its entity designee must pass an examination designated by the Board and submit an application signed by the applicant or an official representative of the entity making the application and countersigned by the supervising electrician.

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101. Application Qualifications for Contractors Requirements. ()

a. On and after July 1, 2008, except as hereinafter provided, any person shall be eligible to apply for a contractor license upon the following requirements: ()

i. Applicant shall have at least one (1) full time employee who holds a valid master license or limited electrical installer license for limited electrical contractors issued by the Division. Licensed contractors who are current and active prior to July 1, 2008, shall not be required to have a master or limited electrical installer as the supervising electrician until a new supervising electrician is designated. A master license or limited electrical installer license will be required for a new supervising electrician designated after July 1, 2008. ()

Rule 200.03.a.ii. The master, journeyman or limited electrical installer shall be designated the supervising electrician; and shall must be available during working hours to carry out the duties of supervising, as set forth herein; and who will be responsible for supervision of electrical installations made by said contractor as provided by Section 54-1010, Idaho Code. ()

iii Rule 200.03.a.ii. An individual contractor may act as his own supervising master, journeyman electrician or limited electrical installer upon the condition that he holds a validan active master, journeyman, electrician license or limited electrical installer license. ()

a.iv. Applicant or its designee must pass a contractor examination administered by the Division. Any entity applicant ~~whowhich purports to be a non-individual~~ (such as, corporation, partnership, company, firm, or association); must designate in writing an individual to represent it for examination purposes. Any such designee shall be a full time supervisory employee and may not represent any other applicant for a contractor's license. ()

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b. In the event the working relationship between a contractor and its designee terminates, the contractor Any person designated under Paragraph 106.01.a. of these rules, and the contractor he represents, shallwill each notify the Division in writing if the supervising electrician or the designee's working relationship with the contractor has been terminated within ten (10) days of the date of termination. If the supervising electrician or the designee's relationship with the contractor is terminated, Tthe contractor's license is void within ninety (90) days may not purchase permits or make electrical installations unless another supervising electrician is qualified by the Division, or unless another duly qualified designee passes the contractor's examination on behalf of the contractor, as applicable. ()

c02. Required Signatures on Application. An application for a contractor license shall be signed by the applicant or by the official representative of the partnership, company, firm, association, or corporation making the application countersigned by the supervising electrician. ()

200. PRACTICE STANDARDS

~~023.01. Electrical Contracting Work-Defined. A contractor license issued by the Division must be obtained prior to acting or attempting to act as a contractor in Idaho. ()~~

~~a. Contracting work includes electrical maintenance or repair work, in addition to new electrical installations, unless such work is expressly exempted by Section 54-1016, Idaho Code. ()~~

~~b. Any person or entity performing or offering to perform contracting services, including, but not limited to, advertising or submitting a bid shall be considered as acting or attempting to act as a contractor and shall be required to be licensed. Advertising includes, but is not limited to: newspaper, telephone directory, community flier ads or notices, telephone, television, radio, internet, business card, or door-to-door solicitations. ()~~

~~c. Any person or entity, not otherwise exempt, who performs or offers to perform contracting work, is acting as a contractor, whether or not any compensation is received. ()~~

~~bd. Registered general contractors who submit a bid on a multi-trade construction project that includes a licensed electrical contractor's pricing shall not be considered as acting or attempting to act as an electrical contractor. ()~~

~~04. Previous Revocation. Any applicant for a contractor license who has previously had his contractor license revoked for cause, as provided by Section 54-1009, Idaho Code, shall be considered as unfit and unqualified to receive a new contractor license so long as such cause for revocation is continuing and of such nature that correction can be made by the applicant. ()~~

~~05. Reviving an Expired License. Any applicant for a contractor license who has allowed his license to expire and seeks to revive it under the provisions of Section 54-1013, Idaho Code, may be denied a license as unfit and unqualified if, while operating under the license prior to expiration, he violates any of the laws or rules applicable to contractors. ()~~

~~02. Contractor Scope. A contractor's allowable scope of work is the same as the scope of its licensed employee. ()~~

~~0336. Qualification and Duties for Supervising Electrician. ()~~

~~aRule 200.03.a.i. A master electrician, journeyman, or limited electrical installer shall not be considered as is not qualified for one (1) year to countersign a contractor license application as the supervising electrician, nor shall said application be approved if he does countersign said application as the supervising electrician, if said individual has had if his Idaho contractor license was revoked for cause, under Section 54-1009, Idaho Code. ()~~

~~b. A supervising electrician shall not countersign for more than one (1) contractor. ()~~

~~de. A journeyman who is an full-time employee of a company, corporation, firm or association with a facility account may sign as supervising journeyman electrician for that facility account in addition to signing as supervising journeyman for his own contractor's license so long as the journeyman is listed as the owner and complies with the provisions of Paragraphs 106.01.a. and 01.b. of these rules. ()~~

~~d. Duties include: assuring that all electrical work substantially complies with the National Electrical Code and other electrical installation laws and rules of the state, and that proper electrical safety procedures are followed; assuring that all electrical labels, permits, and licenses required to perform electrical work are used; assuring compliance with correction notices issued by the Division. ()~~

~~07. Failure to Correct Defects in Electrical Installations. If a supervising electrician countersigns a contractor license application pursuant to Subsection 106.02 of these rules and thereafter willfully fails to correct defects in electrical installations he made or supervised, and such defects are within his power to correct and are not the fault of the contractor, then the Division shall have the power to suspend or revoke said supervising electrician's license pursuant to Section 54-1009, Idaho Code. ()~~

~~08. — Overcharging of Fees. It shall be grounds for suspension or revocation of a contractor license if he charges and collects from the property owner a permit or inspection fee which is higher than the fee actually in effect at the time of such charging and collection, pursuant to the current Laws and Rules of the Division, and the fee remitted by the contractor to the Division is less than the fee actually charged and collected by him. ()~~

~~b. 059. — Direct Supervision and Training. The employing contractor or limited electrical contractor must ensure It shall be the responsibility of the employing contractor to ensure that each apprentice, trainee, and provisional journeyman performs electrical work only under the constant on-the-job supervision and training of a master, journeyman or installer. ()~~

~~ca. Journeyman-to-Apprentice Ratio. One (1) journeyman shall not supervise more than four (4) apprentices performing electrical work on one and two-family dwelling units. One (1) journeyman shall not supervise and train more than two (2) apprentices performing electrical work on all other types of electrical installations. ()~~

~~bj. Any electrical contractor violating the journeyman-to-apprentice ratio established in Paragraph 106.09.a. of these rules is presumed to be in violation of the direct supervision requirement of Section 54-1010(1), Idaho Code, and the constant on-the-job supervision requirement of Section 54-1003A(3), Idaho Code. The journeyman-to-apprentice ratio established herein these rules may be adjusted on a case-by-case basis by a showing by an electrical contractor of special circumstances that are peculiar to the work done by that electrical contractor and that allow for effective supervision and training by each journeyman electrician. An electrical contractor must obtain permission from the Division to adjust the journeyman-to-apprentice ratio. Failure to comply with this requirement will be grounds for suspension or revocation of the electrical contractor's license. ()~~

~~107. — JOURNEYMAN ELECTRICIAN PERFORMING LIMITED ELECTRICAL INSTALLATIONS. A journeyman electrician, as defined in Section 54-1003A(2), Idaho Code, is permitted to make any limited electrical installation if designated as the supervising electrician for a limited electrical contractor or performing limited electrical installations for an electrical contractor. ()~~

~~108. — FACILITY ACCOUNTS. A facility employer-account licensee, as defined by Section 54-1003A, Idaho Code, who uses licensed or registered employees to make installations coming under the provisions of Section 54-1001, Idaho Code, on the licensee's own premises, shall obtain a facility account license and purchase permits. Employees performing installations under a facility account shall be licensed journeymen, master, or registered apprentice electricians under the constant on-the-job supervision of a licensed journeyman or master as provided in Title 54, Chapter 10, Idaho Code. One (1) properly licensed journeyman or master shall be designated the supervising electrician for the facility account. Individuals employed as maintenance electricians may only perform electrical maintenance in accordance with Section 54-1016, Idaho Code. ()~~

~~109. -- 149. — (RESERVED)~~

SUBCHAPTER BD — LIMITED ELECTRICAL INSTALLATIONS (Rules 150 through 199)

~~150. — LICENSE REQUIREMENTS. The following categories of electrical installations shall be considered limited electrical installations, the practice of which shall require an electrical contractor license or limited electrical contractor license and supervision by a journeyman electrician, master electrician, or limited electrical installer: ()~~

~~03. — Limited Electrical Installations. A limited electrical installer must be employed by an electrical contractor or limited electrical contractor in the same restricted category and may only countersign a limited electrical contractor's license application as supervising limited electrical installer for work within the same restricted category. Limited electrical installations must comply with the National Electrical Code, as amended herein. The following categories of electrical installations constitute limited electrical installations, the practice of~~

which shall require an electrical contractor or limited electrical contractor license and supervision by a journeyman, master electrician, or limited electrical installer: ()

01a. Elevator, Dumbwaiter, Escalator, or Moving-Walk Electrical. ~~An elevator electrical limited licensee is Any person qualifying for and having in his possession a current elevator electrical license only authorized to may install, maintain, repair, and replace equipment, controls, and wiring beyond the disconnect switch in the machine room of the elevator and pertaining directly to the operation and control thereof when located in the elevator shaft and machine room. He shall be employed by a licensed elevator electrical contractor or electrical contractor, and his installations shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as a supervising limited electrical installer for work within this category.~~ ()

02b. Sign Electrical. ~~Any person qualifying for and having in his possession a current A sign electrical limited licensee is only authority to may install, maintain, repair, and replace equipment, controls, and wiring on the secondary side of sign disconnecting means; providing the disconnecting means is located on the sign or within sight therefrom. He shall be employed by a licensed sign electrical contractor or electrical contractor, and his installations shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as supervising limited electrical installer for work within this category.~~ ()

03c. Manufacturing or Assembling Equipment. ()

~~a. A licensed limited electrical manufacturing or assembling equipment installer must be employed by a licensed limited electrical manufacturing or assembling equipment contractor or electrical contractor, and his installation shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as a supervising limited electrical installer for work within this category.~~ ()

~~b. Any person licensed pursuant to Paragraph 153.03.a. of these rules may is only authorized to install, maintain, repair, and replace equipment, controls, and accessory wiring, integral to the specific equipment, on the load side of the equipment disconnecting means. Electrical service and feeder are to be installed by others. The licensee may also install circuitry in modules or fabricated enclosures for the purpose of connecting the necessary components which individually bear a label from a nationally recognized testing laboratory when such equipment is designed and manufactured for a specific job installation. All wiring completed shall meet all requirements of Title 54, Chapter 10, Idaho Code, all rules promulgated pursuant thereto, and the most current edition of the National Electrical Code.~~ ()

~~ei. Subsection 153.03 of these rules does not apply to a limited electrical manufacturing or assembling equipment installer installing electrical wiring, equipment, and apparatus in modular buildings as that term is defined in Section 39-4105, Idaho Code. Only journeyman electricians and electrical apprentices, employed by an electrical contractor, may perform such installations.~~ ()

04d. Limited Energy Electrical. ()

~~a. Limited energy systems are defined as fire and security alarm systems, class 2 and class 3 signaling circuits, key card operators, nurse call systems, motor and electrical apparatus controls and other limited energy applications covered by the NEC. Unless exempted by Section 54-1016, Idaho Code, any person who installs, maintains, replaces or repairs electrical wiring and equipment for limited energy systems in facilities other than one (1) or two (2) family dwellings shall be required to have a valid limited energy limited electrical license.~~ ()

~~bi. Limited energy systems do not include, and no license of any type is required for, the installation of landscape sprinkler controls or communication circuits, wires and apparatus that include telephone systems, telegraph facilities, outside wiring for fire and security alarm systems which are used for communication purposes, and central station systems of a similar nature, PBX systems, audio-visual and sound systems, public address and intercom systems, data communication systems, radio and television systems, antenna systems and other similar systems.~~ ()

~~c. Unless exempted by Section 54-1016, Idaho Code, any person who installs, maintains, replaces or repairs electrical wiring and equipment for limited energy systems in facilities other than one (1) or two (2) family dwellings shall be required to have a valid limited energy limited electrical license and must be employed by a licensed limited energy limited electrical contractor or electrical contractor. The holder of such limited license may only countersign a limited electrical contractor's application as a supervising limited electrical installer for work within this category. ()~~

~~**05e. Irrigation Sprinkler Electrical.** Any person qualifying for and having in his possession, an irrigation system electrical license may. An irrigation system electrical limited licensee is only authorized to install, maintain, repair and replace equipment, controls and wiring beyond the disconnect switch supplying power to the electric irrigation machine. The irrigation machine is considered to include the hardware, motors and controls of the irrigation machine and underground conductors connecting the control centers on the irrigation machine to the load side of the disconnecting device. Disconnect device to be installed by others. All such installations performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the National Electrical Code. He shall be employed by a licensed limited electrical contractor whose license is contingent upon the granting of a limited electrical license to an employee, and his installations shall be limited to this category. The holder of such limited license may not countersign a limited electrical contractor's license application as supervising limited electrical installer except for work within this category. ()~~

~~**06f. Well Driller and Water Pump Installer.** All installations performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the approved National Electrical Code. A license holder in this category shall be employed by a licensed well driller and water pump installer limited electrical contractor or electrical contractor, and his installations shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as supervising limited electrical installer for work within this category. Any person currently licensed A license holder in this category may is only authorized to perform the following types of installations: ()~~

~~**ai.** Single or three (3) phase water pumps: install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. ()~~

~~**bii.** Domestic water pumps, one hundred twenty/two hundred forty (120/240) volt, single phase, sixty (60) amps or less: Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device. ()~~

~~**eiii.** Temporarily connect into a power source to test the installations, provided that all test wiring is removed before the installer leaves the site. ()~~

~~**dii.** Individual residential wastewater pumping units. Install, maintain, repair and replace all electrical equipment, wires, and accessories from the pump motor up to and including the disconnecting device for systems that serve one-family, two-family, or three-family residential installations. ()~~

~~**07g. Refrigeration, Heating, and Air-Conditioning Electrical Installer.** All installation, maintenance, and repair performed by individuals under this Subsection shall be done in accordance with applicable provisions of the National Electrical Code. A license holder in this category shall be employed by a licensed limited electrical contractor whose license shall be covered by this category or electrical contractor, and his installations shall be limited to this category. The holder of such limited license may only countersign a limited electrical contractor's license application as a supervising limited electrical installer for work in this category. Any person currently licensed A license holder in this category may perform is only authorized to perform the following types of installations, which installations shall be limited to factory-assembled, packaged units: ()~~

~~**ai.** Heating Units (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. ()~~

bii. Refrigeration, Air-Conditioning Equipment and Heat Pumps (single phase): install, repair, and maintain all electrical equipment, wires, and accessories from the unit up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. ()

e-iii. Refrigeration, Air-Conditioning and Heating Systems (three (3) phase): install, maintain, and repair all electrical equipment and accessories up to the load side, including fuses, of the disconnecting device. Disconnecting device to be installed by others. ()

08.h. Outside Wireman. ~~All installation, maintenance, and repair not exempt under the provisions of Section 54-1016, Idaho Code, performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the National Electrical Code. A license holder in this category shall be employed by a licensed limited electrical contractor whose license shall be covered by this category or electrical contractor, and his installations shall be limited to this category. The holder of such limited electrical license may only countersign a limited electrical contractor's license application as a supervising limited electrical installer for work in this category.~~ Applicants for this license category shall provide documentation of having completed an electrical lineman apprenticeship program or similar program approved by the U.S. Department of Labor, Office of Apprenticeship. Any person currently licensed in this category may perform the following types of installations: ()

ai. Overhead distribution and transmission lines in excess of six hundred (600) volts. ()

bii. Underground distribution and transmission lines in excess of six hundred (600) volts. ()

e-iii. Substation and switchyard construction in excess of six hundred (600) volts. ()

09i. Solar Photovoltaic. ~~All installation, maintenance, and repair not exempt under the provisions of Section 54-1016, Idaho Code, performed by individuals under this Subsection shall be done in accordance with the applicable provisions of the National Electrical Code. A license holder in this category shall be employed by a licensed limited electrical contractor whose license shall be covered by this category or electrical contractor, and his installations shall be limited to this category. The holder of such limited electrical license may only countersign a limited electrical contractor's application as a supervising limited electrical installer for work in this category.~~ Applicants for this license category shall provide proof of photovoltaic installer certification by the North American Board of Certified Energy Practitioners (NABCEP) or equivalent. Any person licensed in this category may perform the following types of installations: ()

ai. Solar Photovoltaic DC Systems: Install, maintain, repair, and replace all electrical equipment, wires, and accessories up to and including the inverter. ()

bii. Solar Photovoltaic micro-inverter/AC Systems: Install, maintain, repair, and replace all electrical equipment, wires, and accessories up to and including the AC combiner box. ()

151, -- 199. (RESERVED)

SUBCHAPTER CE—EXAMINATIONS

(Rules 200 through 249)

200. EXAMINATIONS.

01. Required Scores. Applicants are required to achieve a minimum of seventy-five percent exam (75%) passing scores prior to issuance of the appropriate license or certification. ()

02. Failed Examinations. An applicant receiving less than passing scores on three examination attempts may be reexamined after providing proof satisfactory to the Board, of completion of a minimum of twenty-four (24) hours of Board approved related electrical training or continuing education since the date of the last failed examination. ()

~~201. -- 249. (RESERVED)~~

~~SUBCHAPTER DE USE OF THE NATIONAL ELECTRICAL CODE~~

~~(Rules 200 through 299)~~

~~250600. ADOPTION AND INCORPORATION BY REFERENCE OF THE NATIONAL IDAHO ELECTRICAL CODE.~~ Pursuant to Section 54-1001, Idaho Code, the Board adopts the 2020 National Electrical Code (herein NEC) with the following amendments:

~~01. — Amendments Documents.~~ Under the provisions of Section 54-1001, Idaho Code, the National Electrical Code, 20202017 Edition, (herein NEC) is hereby adopted and incorporated by reference for the state of Idaho and are in full force and effect on and after July 1, 2017, with the following amendments: ()

~~01a.~~ **Article 110.3(A) and 110.3(B).** ~~—s~~ Shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. ()

~~02.~~ **Article 210.8 (A).** Delete reference to 250-volt receptacles.

~~03.~~ **Article 210.8(A)(7) Sinks.** Delete article 210.8(A)(7) and replace with the following: Sinks — located in areas other than kitchens where receptacles are installed within one and eight tenths (1.8) meters (six (6) feet) of the outside edge of the sink. ()

~~04.~~ **Article 210.8(A)(10).** Delete article 210.8(A)(10) Laundry Areas. ()

~~d.~~ ~~Article 210.8(D).~~ Delete article 210.8(D). ()

~~05.~~ **Article 210.8 (F).** —Delete Article 210.8 (F) for GFCI protection for outdoor outlets.

~~06~~ **Article 210.12 Arc-Fault Circuit-Interrupter Protection.** ~~Article 210.12 —s~~ Shall apply in full. Exception: In dwelling units Arc-Fault Circuit-Interrupter Protection shall only apply to all branch circuits and outlets supplying bedrooms. All other locations in dwelling units are exempt from the requirements of Article 210.12.

~~07.~~ **Article 210.52(E)(3).** Delete ~~article 210.52(E)(3)~~ and replace with the following: Balconies, Decks, and Porches. Balconies, decks, and porches having an overall area of twenty (20) square feet or more that are accessible from inside the dwelling unit shall have at least one (1) receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall not be located more than two (2.0) meters (six and one half (6½) feet) above the balcony, deck, or porch surface. ()

~~f.~~ —Add a new Article 225.30(F) —One (1) or Two (2) Family Dwelling Unit(s). For a one (1) or two (2) family dwelling unit(s) with multiple feeders with conductors one aught (1/0) or larger, it shall be permissible to install not more than six (6) disconnects grouped at one (1) location where the feeders enter the building, provided that the feeder conductors originate at the same switchboard, panelboard, or overcurrent protective device location. ()

~~08.~~ **Article 230.67 Surge Protection.** Delete NEC Article 230.67.

~~09.~~ **Article 230.85 Emergency Disconnects.** —Delete Article 230.85.

~~10.~~ **Article 314.27(C) Boxes at Ceiling-Suspended (Paddle) Fan Outlets.** Delete ~~2nd~~second paragraph of Article 314.27(C).

~~11.~~ **Article 320.23.** Where the height of a crawl space does not exceed one and four tenths (1.4) meters or four and one half (4.5) feet it shall be permissible to secure NM cables, that run at angles with joist, to the

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bottom edge of joist. NM cables that run within two and one tenth (2.1) meters or seven (7) feet of crawl space access shall comply with Article 320.23. ()

h12. **Article 334.10(3).** Delete ~~Article 334.10(3)~~ and replace with the following: Other structures permitted to be of Types III, IV, and V construction. Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a fifteen (15)-minute finish rating as identified in listings of fire-rated assemblies. For the purpose of this section, cables located in attics and underfloor areas that are not designed to be occupied shall be considered concealed. ()

m13. **Pole Lighting.** Poles used as lighting standards along roadways only (parking areas are not roadways) that are forty (40) feet or less in nominal height and that support no more than four (4) luminaires operating at a nominal voltage of three hundred (300) volts or less to ground, shall not be considered a structure as it is defined as equipment by the National Electrical Code (NEC). The disconnecting means may be mounted to the pole or elsewhere in accordance with NEC, Article 225.32, exception 3. Special purpose fuseable connectors (model SEC 1791-DF or model SEC 1791-SF) or equivalent shall be installed in a listed handhole (underground) enclosure. The enclosure shall be appropriately grounded and bonded per the requirements of the NEC applicable to Article 230- Services. Overcurrent protection shall be provided by a (fast-acting – minimum - 100K RMS Amps 600 VAC) rated fuse. Wiring within the pole for the luminaires shall be protected by supplementary overcurrent device (time-delay – minimum - 10K RMS Amps 600 VAC) in break-a-away fuse holder accessible from the hand hole. Any poles supporting or incorporating utilization equipment or exceeding the prescribed number of luminaires, or in excess of forty (40) feet, may be considered structures, and an appropriate service disconnecting means shall be required per the NEC. All luminaire- supporting poles shall be appropriately grounded and bonded per the NEC. A service may not need a Watt Hour Meter.

n14. **Article 422.5 (A)(7).** Delete Article 422.5 (A)(7) GFCI protection for dwelling unit dishwashers.

o15. **Article 480.7 (B).** Delete NEC 480.7(B) Battery Emergency Disconnect.

p16. **Article 675.8(B).** Compliance with Article 675.8(B) will include the additional requirement that a disconnecting means always be provided at the point of service from the utility no matter where the disconnecting means for the machine is located. ()

q17. **Article 682.10.** ~~s~~ Shall not apply to submersible well pumps installed in swimming and marine areas; provided however, such articles shall apply to all other equipment required in the installation of a submersible well pump in such areas except for the actual submersible well pump itself. ()

r18. **Article 682.11.** Add the following exception to Article 682.11: This article shall not apply to service equipment that is located on or at the dwelling unit and which is not susceptible to flooding. ()

s19. **Article 682.13.** Add the following exceptions to Article 682.13: ()

a. Exception No 1. Wiring methods such as HDPE schedule eighty (80) electrical conduit or its equivalent or greater, and clearly marked at a minimum “Caution Electrical” to indicate that it contains electrical conductors shall be approved. It shall be buried whenever practical, and in accordance with the requirements of the authority having jurisdiction. The use of gray HDPE water pipe rated at two hundred (200) PSI (e.g. SIDR-7 or DR-9) is suitable for use as a chase only when the following conditions are met: ()

(4)i. When internal conductors are jacketed submersible pump cable. ()

(2)ii. When used in continuous lengths, directly buried, or secured on a shoreline above and below the water line. ()

(3)iii. When submersible pump wiring terminations in the body of water according to 682.13 Exception No. 2 are met. ()

b. Exception No 2. Any listed and approved splices required to be made at the submersible well

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pump itself, outside of a recognized submersed pump sleeve or housing, when wires are too large to be housed inside such sleeve, shall be covered with a non-metallic, impact resistant material, no less than one quarter (.25) inches thick, such as heavy duty heat shrink or other equivalent method approved by the authority having jurisdiction. (Eg. install a heat shrink over the sleeve or housing that the submersible well pump is installed in, and then recover (apply heat) the heat shrink over both the HDPE and the water line). At least six (6) inches shall be over the sleeve and at least twelve (12) inches over the HDPE and water line. ()

iii.c. Exception No. 3. Pipe, conduit, PVC well casing, or other electrically unlisted tubing may be used as a chase, but not as a raceway, to protect conductors or cables from physical damage. Conductors or cables within a chase shall be rated for the location. ()

tm20. Article 682.14. Add the following additional exception to Article 682.14: For installations of submersible well pumps installed in public swimming and marine areas, submersible well pumps shall be considered directly connected and shall be anchored in place. Ballast is an acceptable form of anchoring. ()

um21. Article 682.14(A). Add the following exception to Article 682.14(A): For installations of submersible well pumps installed in public swimming and marine areas, motor controller circuits such as remotely located stop pushbutton/s, disconnect/s, relay/s or switches shall be permitted as a required disconnecting means. Such circuits shall be identified at a minimum as "Emergency Pump Stop", or "Emergency Stop" with other obvious indications on the visible side of the enclosure, that it controls a submersible pump in the body of water. ()

yo22. Article 682.15. Add the following exceptions to Article 682.15: ()

ia. Exception No. 1. Submersible pumps, and their motor leads, located in bodies of water, and that are rated sixty (60) amperes maximum, two hundred fifty (250) volts maximum of any phase, shall have GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, protected by means selected by a licensed installer, meeting listing or labeling requirements, and inspected by the AHJ prior to submersion in bodies of water. ()

bii. Exception No. 2. Installations or repair and replacement of submersible pumps located in bodies of water, that are rated over sixty (60) amperes, and rated at any voltage, shall be evaluated by a qualified designer or experienced licensed contractor, or involve engineering or be engineered, for each specific application, with the goal of public safety. Whenever possible, GFCI or Ground Fault Equipment Protection designed to trip at a maximum of thirty (30) milliamps or less, meeting listing or labeling requirements, shall be installed, and inspected by the AHJ prior to submersion in bodies of water. ()

p. ~~Article 550.32(B). Compliance with Article 550.32(B) shall limit installation of a service on a manufactured home to those homes manufactured after January 1, 1992.~~ ()

q. ~~Poles used as lighting standards that are forty (40) feet or less in nominal height and that support no more than four (4) luminaires operating at a nominal voltage of three hundred (300) volts or less, shall not be considered to constitute a structure as that term is defined by the National Electrical Code (NEC). The disconnecting means shall not be mounted to the pole. The disconnecting means may be permitted elsewhere in accordance with NEC, Article 225.32, exception 3. SEC special purpose fuseable connectors (model SEC 1791 DF or model SEC 1791 SF) or equivalent shall be installed in a listed handhole (underground) enclosure. The enclosure shall be appropriately grounded and bonded per the requirements of the NEC applicable to Article 230-Services. Overcurrent protection shall be provided by a (fast-acting — minimum —100K RMS Amps 600 VAC)-rated fuse. Wiring within the pole for the luminaires shall be protected by supplementary overcurrent device (time delay — minimum —10K RMS Amps 600 VAC) in break a away fuse holder accessible from the hand hole. Any poles supporting or incorporating utilization equipment or exceeding the prescribed number of luminaires, or in excess of forty (40) feet, shall be considered structures, and an appropriate service disconnecting means shall be required per the NEC. All luminaire supporting poles shall be appropriately grounded and bonded per the NEC.~~ ()

r. ~~Compliance with Article 210.12 Arc Fault Circuit Interrupter Protection. Article 210.12 shall apply in full. Exception: In dwelling units Arc Fault Circuit Interrupter Protection shall only apply to all branch circuits and outlets supplying bedrooms. All other locations in dwelling units are exempt from the requirements of~~

Article 210.12. _____ ()

~~23.~~ **Article 690.12 Rapid Shut Down.** Add following Exemptions: _____ ()

a. _____ PV systems not installed on or in buildings, PV output circuits and dc to dc converter output circuits that are installed in metallic raceways or metal clad cables, or installed in enclosed metallic cable trays, or are underground shall not be required to comply with Article 690.12. Detached structures whose sole purpose is to house PV system equipment shall not be considered buildings and thus may have roof mounted PV systems without rapid shutdown equipment according to this exception. _____ ()

b. _____ PV system circuits installed on or in buildings without the presence of a utility supplied power source shall not be required to comply with Article 690.12 where all of the following apply: _____ ()

i. _____ The minimum distance to bring electric utility power lines or service conductors to the building is 1000 feet or greater; _____ ()

ii. _____ The building has a minimum setback distance of 100 feet from any building or structure located on adjacent properties; _____ ()

iii. _____ A lockable service entrance rated AC disconnect is installed outside at a readily accessible location; and _____ ()

iv. _____ The AC disconnect has a permanent placard or label with the following words or equivalent:

WARNING
SOLAR PV SYSTEM IS NOT EQUIPPED WITH RAPID SHUTDOWN

The warning placard or label shall comply with Article 110.21(B). _____ ()

~~— PV systems installed without the presence of a utility supplied power source shall not be required to comply with 690.12 if installed with a lockable service entrance AC disconnect outside.~~

~~24.~~ **Article 706.15 Off Grid Systems.** Replace 706.15 with the following. For one-family and two-family dwellings, a disconnecting means or its remote control shall be located at a readily accessible location. _____ ()

~~02.~~ **Availability.** A copy of the National Electrical Code is available at the offices of the Division. _____ ()

~~251. -- 299.~~ **(RESERVED)**

SUBCHAPTER EG — CONTINUING EDUCATION REQUIREMENTS **(Rules 300 through 349)**

300. — CONTINUING EDUCATION REQUIREMENTS.

~~Journeyman and master electricians must complete at least twenty-four (24) hours of continuing education instruction in every three (3) year period between renewals of such licenses. The twenty-four (24) hours of instruction shall consist of eight (8) hours of code update covering changes included in the latest edition of the National Electrical Code. The remaining sixteen (16) hours may consist of any combination of code update training, code related training, or industry related training. Proof of completion of these continuing education requirements must be submitted to the Division prior to or with the application for license renewal by any such licensee in order to renew a journeyman or master electrician license for the code change year.~~ _____ ()

~~01. — Verification.~~ Completion of continuing education requirements will be verified by the Division prior to, or with the application for licensure renewal by any licensee in order to renew a license. _____ ()

~~301. -- 399.~~ **(RESERVED)**

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**SUBCHAPTER FH—CERTIFICATION AND APPROVAL OF ELECTRICAL PRODUCTS
AND MATERIALS**

(Rules 400 through 449)

40006. Certification And Approval Of Electrical Products And Materials.

~~In the state of Idaho, a~~ All materials, devices, fittings, equipment, apparatus, luminaires, and appliances installed or to be used in installations that are supplied with electric energy shall be approved as provided in one (1) of the following methods: ()

01a. Testing Laboratory. Be tested, examined, and certified (Listed) by a Nationally Recognized Testing Laboratory (NRTL). ()

02b. Field Evaluation. Non-listed electrical equipment may be approved for use through a field evaluation process performed in accordance with recognized practices and procedures such as those contained in the 2012 edition of NFPA 791 - Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation published by the National Fire Protection Association (NFPA). Such evaluations shall be conducted by: ()

~~a. The authority having jurisdiction;~~ ()

aib. A field evaluation body approved by the authority having jurisdiction. The field evaluation body shall meet minimum recognized standards for competency, such as NFPA 790 - Standard for Competency of Third-Party Field Evaluation Bodies, 2012 edition, published by the National Fire Protection Association (NFPA); or ()

bii.e. In the case of industrial machinery only, as defined by NFPA 79 - Electrical Standard for Industrial Machinery, 2012 edition, a field evaluation may be performed by a professional engineer currently licensed to practice electrical engineering by the state of Idaho and who is not involved in the design of the equipment being evaluated or the facility in which the equipment is to be installed. ()

03c. Availability of NFPA Standards. The most recent edition of NFPA 790 - Standard for Competency of Third-Party Field Evaluation Bodies, and NFPA 791 - Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation published by the National Fire Protection Association (NFPA) are available at the Division. ()

~~401. — 449. (RESERVED)~~

SUBCHAPTER GI—CIVIL PENALTIES

(Rules 450 through 499)

450300. CIVIL PENALTIES.

~~Unless otherwise specified in~~ Except for the acts described in Subsections 450.01 and 450.11 of this rule, the acts described in this section shall subject the violator to a civil penalty of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense that occurs thereafter within one (1) year of an earlier violation. The acts described in this section subject the violator to a civil penalty not to exceed one thousand dollars (\$1,000) for each separate count or offense. ()

~~01. Electrical Contractor.~~ Except as provided by Section 54-1016, Idaho Code, any person who acts, or purports to act as an electrical contractor, as defined by Section 54-1003A, Idaho Code, without a valid Idaho state electrical contractor's license shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ()

~~02. Employees.~~ Any person, who knowingly employs a person who does not hold a valid Idaho state

electrical license or registration as required by Section 54-1010, Idaho Code, to perform electrical installations.

()

~~03. License or Registration. Except as provided by Section 54-1016, Idaho Code, any person performing electrical work as a journeyman electrician as defined by Section 54-1003A(2), Idaho Code, limited electrical installer as defined by Section 54-1003A(6), Idaho Code, apprentice electrician as defined by Section 54-1003A(3), Idaho Code, or a limited electrical installer trainee as defined by Section 54-1003A(8), Idaho Code, without a valid license or registration.~~

()

~~04. Journeyman to Apprentice Ratio. Any electrical contractor or facility account employing electricians in violation of the journeyman to apprentice ratio established by the Board.~~

()

~~045. Supervision. Any contractor failing to provide constant on the job supervision to apprentice electricians or trainees by a qualified journeyman electrician or limited electrical installer.~~

()

~~056. Performance Outside Scope of License. Any limited electrical contractor or limited electrical installer performing electrical installations, alterations or maintenance outside the scope of the contractor's or installer's limited electrical license.~~

()

~~067. Fees and Permits. Any person failing to pay applicable fees or properly post an electrical permit.~~

()

~~078. Failure to Request an Inspection. Any person who fails to request an inspection prior to covering an electrical installation or at the completion of an electrical installation.~~

()

~~089. Corrections. Any person who fails to make corrections in the time allotted in the notice on any electrical installation as set forth in Section 54-1004, Idaho Code.~~

()

~~10. Failure to Disclose. Any applicant for an electrical registration, license, or certificate of competency who upon request fails to disclose any required information including, but not limited to, their complete licensure history or the fact that they have been previously granted a recognized license.~~

()

~~0911. Gross Violation. In the case of continued, repeated or gross violation of Title 54, Chapter 10, Idaho Code, or these rules, a license revocation shall be initiated for licensees under this chapter and non-licensees shall be subject to prosecution by the appropriate jurisdiction under Idaho law.~~

()

~~10. Misrepresentation. Misrepresentation of the permit or inspection fees.~~

~~01. Statute or Rule. Failure to comply with any provision of Chapter 10, Title 54, Idaho Code or Board Rule.~~

()

~~02. Licensure or Registration. Except as provided by Section 54-1016, Idaho Code, performance of electrical work without an active license or registration as required by Chapter 10, Title 54, Idaho Code. General contractors registered pursuant to Section 54-1016, Idaho Code who submit a bid on a multi-trade construction project which includes a licensed electrical contractor's pricing is not considered as acting or attempting to act as an electrical contractor.~~

()

~~03. Performance Outside Scope. Performance of any electrical installation, alteration, or maintenance by a limited electrical contractor, limited electrical installer, or trainee outside the scope of the limited electrical license or registration.~~

()

~~04. Employees. Knowing employment of a person who does not hold an active license or registration to perform electrical work.~~

()

~~05. Supervision. Working as an apprentice or limited electrical installer trainee without the required~~

journeyman, master, or installer supervision or employing an apprentice or trainee without providing the required supervision. ()

06. Fees, Permits, and Inspections. Failure to obtain a required permit, pay applicable fees, properly post a permit, or request an inspection of any electrical work. ()

07. Corrections. Failure to make corrections in the time allotted in the notice on any electrical work. ()

08. Misrepresentation of Fees. Misrepresentation of the permit or inspection fees to the customer. ()

09. Advertising. Advertising to engage in the business, trade, practice, or work of an electrical contractor as defined in Sections 54-1003A and 54-1010, Idaho Code, without holding a current and valid electrical contractor license issued by the Division or advertising without including the contractor license number in the advertisement. Advertising includes, but is not limited to: newspaper, telephone directory, community flier ads or notices; telephone, television, radio, internet, or door-to-door solicitations. ()

10. Order. Failure to comply with any lawful order of the Board or Division administrator. ()

451. -- 999. (RESERVED)

AGENDA
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE
1:30 P.M.
Room WW54
Tuesday, January 24, 2023

For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
MINUTES APPROVAL:	Minutes of January 17, 2023	Senator Guthrie Senator Ricks
GUBERNATORIAL APPOINTMENT VOTE:	Committee Vote on the Gubernatorial Reappointment of Lori Wolff, Administrator, Idaho Division of Human Resources	Chairman Cook
<u>RS 30067</u>	Relating to Food	Senator Nichols
<u>RS 29936C1</u>	Relating to the Employment Security Law	Jani Revier, Director, Idaho Department of Labor
<u>RS 29914C1</u>	Relating to the Department of Administration - Red Tape Reduction Act	Steve Bailey, Deputy Director, Department of Administration
PRESENTATION:	Your Health Idaho	Pat Kelly, Executive Director, Your Health Idaho

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Cook	Sen Foreman
Vice Chairman Lenney	Sen Hartgen
Sen Lakey	Sen Ward-Engelking
Sen Guthrie	Sen Ruchti
Sen Ricks	

COMMITTEE SECRETARY

Linda Kambeitz
Room: WW46
Phone: 332-1333
Email: scom@senate.idaho.gov

MINUTES

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Tuesday, January 24, 2023

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Cook, Vice Chairman Lenney, Senators Lakey, Guthrie, Ricks, Foreman, Hartgen, Ward-Engelking, and Ruchti

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Cook** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

MINUTES APPROVAL: **Senator Guthrie** moved to approve the Minutes of January 17, 2023. **Senator Ricks** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee Vote on the Gubernatorial Reappointment of Lori Wolff, Administrator, Idaho Division of Human Resources (IDHR).** **Chairman Cook** asked the Committee if there were any objections to approving the Gubernatorial reappointment of Lori Wolff. There were none.

MOTION: **Senator Guthrie** moved to send the Gubernatorial reappointment of Lori Wolff to the IDHR with the recommendation she be confirmed. **Senator Hartgen** seconded the motion. The motion carried by **voice vote**.

RS 30067 **Relating to Food.** **Senator Nichols** stated this legislation amended Idaho Code § 37-115 to prohibit certain conduct regarding food that contained a vaccine or vaccine material without notification of the presence of the vaccine or vaccine material in the food. She noted there was no impact to the General Fund or any county or governmental fund as it applied only as an amendment and did not require an outlay of public funds.

DISCUSSION: **Vice Chair Lenney** asked about the downside of this proposed legislation. **Ms. Nichols** remarked this was a newer issue and could not say if there was a downside. This legislation would provide information to the public indicating what was in a product.

Senator Lakey stated if this legislation was approved he wanted to know how often vaccines occurred and the opinion of the agricultural community about this legislation.

Senator Ricks asked for an overview of what was going to be accomplished with this proposed legislation and the end goal. **Senator Nichols** stated the proposed legislation was for the consumer in providing notification of what vaccines were contained in a product.

Senator Foreman queried if any of the vaccines were experimental and were they introduced in other states. **Senator Nichols** remarked this proposed legislation was a new precedent and cited an example regarding vaccines injected into lettuce.

Senator Guthrie stated he wanted more information because all of the livestock industry was vaccinating animals to keep them healthy. He asked if vaccine material was a component that was used to make a vaccine, and was that material included. He noted he had several concerns and questions.

MOTION:

Vice Chair Lenney moved to send **RS 30067** to print. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

RS 29936C1

Relating to the Employment Security Law. **Jani Revier, Director, Idaho Department of Labor (IDOL)**, stated that currently, under the Idaho Employment Security Law (Idaho Code § 72-1366), when someone quit a job, it must be for work-related reasons to be found eligible for unemployment insurance benefits. The proposed statute change allowed unemployment insurance benefits to individuals who must leave their employment due to being a victim of domestic violence or their military spouse was being transferred.

Ms. Revier pointed out the fiscal impact of this change was an estimated \$200,000 to the Unemployment Insurance Trust Fund (UITF) in the first year with slight increases each year after to account for inflation factors. There was no fiscal impact to the General Fund as the changes pertained to the Unemployment Insurance Program and the associated UITF.

DISCUSSION:

Vice Chair Lenney queried how the \$200,000 was determined. **Ms. Revier** stated this estimate was based on past claimants. She noted only 10-15 people would be directly impacted.

Senator Ruchti asked how the IDOL kept track of military spouses to make sure they were in compliance. **Ms. Revier** noted this proposed legislation only changed eligibility requirements that had to be met.

Senator Foreman stated he wanted to know what domestic violence had to do with a person's employment. **Ms. Revier** noted every case was different, there were a variety of instances, and those instances were not common. Idaho was one of the states in the minority that did not recognize these two exemptions. **Senator Foreman** remarked many military move often over a 20-year career. He asked how would Ms. Revier answer the issue that the State should not have to subsidize spouses and why should this be funded. **Ms. Revier** noted this was a policy decision and many states had chosen to make those decisions.

Senator Ruchti asked if the employer was charged under the unemployment law for this type of a policy. **Ms. Revier** replied the employer was not charged and even if they were, they would be reimbursed.

MOTION:

Senator Guthrie moved to send **RS 29936C1** to print. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

RS 29914C1

Relating to the Department of Administration (IDOA) - Red Tape Reduction Act. **Steve Bailey, Deputy Director, Department of Administration**, stated this proposed legislation repealed the requirement for the Office of Group Insurance (OGI) to promulgate rules for determining the eligibility of participants in the State's health insurance plan. Eligibility was already determined in contracts with health insurance providers.

Mr. Bailey noted this legislation added a member to the Group Insurance Advisory Committee (GIAC) from a school district participating in the State's group health insurance plan. School district representatives would provide a perspective on GIAC decisions impacting health insurance coverage and administration. There was no impact to the General Fund or any dedicated or

federal funds because the structure and staffing were currently in place to implement the statute.

DISCUSSION: **Senator Lakey** remarked he was in support of the proposed legislation. He noted rules had not been promulgated. **Mr. Bailey** stated the rules had not been promulgated because of a lack of need contractually. He noted the rules were somewhat vague.

MOTION: **Senator Ward-Engelking** moved to send **RS 29914C1** to print. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **Your Health Idaho (YHI)**. **Pat Kelly, Executive Director, YHI**, highlighted the changes and outlined the year for YHI (Attachment 1). He gave an extensive summary of the key accomplishments, 2022 by the numbers, the year in review, open enrollment 2023, and looking ahead.

DISCUSSION: **Senator Ruchti** and **Mr. Kelly** discussed why cash reserves were important in order to be able to operate for 6 to 9 months if there was a downturn. They also discussed the idea that when new health insurance carriers came to YHI there was no fee or premium. **Mr. Kelly** remarked there were operational investments for the new carriers, but no up front expenses.

Chairman Cook and **Mr. Kelly** discussed the inception of the YHI Exchange and the \$43 million saved by Idahoans in 2022 because they were not part of the federal exchange. YHI fees were less, which made up the differential in savings. **Chairman Cook** asked Mr. Kelly what was his biggest challenge. **Mr. Kelly** noted his biggest challenge was to strive for improvement, not to become complacent, and to give brokers the tools to make them grow.

ADJOURNED: There being no further business at this time, **Chairman Cook** adjourned the meeting at 2:34 p.m.

Senator Cook
Chair

Linda Kambeitz
Secretary